

November 8, 2018

MuckRock News  
DEPT MR 62684  
411A Highland Ave  
Somerville MA 02144-2516

Dear Sir or Madam:

This office represents the Columbus Metropolitan Housing Authority ("CMHA"). I am writing in response to your public records request dated October 24, 2018. I will respond separately to each of the seven itemized requests:

1. CMHA procedures and policies relating to public housing and Section 8 housing assistance eligibility for applicants on the basis of arrest or conviction records are contained in the Public Housing Admission and Occupancy Plan or the HCV Administrative Plan. Copies of these two plans are enclosed with this letter. (We could not send them electronically since the files are too large.)
2. CMHA eviction procedures and policies for tenants in public housing and Section 8 units are also contained in the Public Housing Administration and Occupancy Policy or the HCV Administrative Plan, both of which are enclosed.
3. CMHA policies and procedures regarding obtaining criminal conviction records from law enforcement agencies and sex offender registration information from the appropriate state/local agency responsible for the maintenance of sex offender registration program units are contained in the Public Housing Admission and Occupancy Policy or the HCV Administrative Plan, which are enclosed.
4. The request for any reports compiling the "data" of applicants is overbroad, insufficiently vague, and ambiguous. There are currently over 50,000 applicants in the Section 8 applicant pool. Public housing applications are site-based, not centralized, and would constitute approximately an additional 2,000 applicants.<sup>1</sup>
5. Similarly, the request for any reports compiling the "data" of public housing and Section 8 denials is overbroad, insufficiently vague, and ambiguous.
6. CMHA has no records which reflect logs of police reports concerning activity in public housing and Section 8 units.

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<sup>1</sup> The Ohio Public Records Act does not require a public office to search a database for information and compile it or summarize it to create new records. See, e.g., *State ex rel. White v. Goldsberry*, 85 Ohio St. 3d 153 (1999). In addition, the requested records must be identified with specificity and clarity. ORC §149.43(B)(2); *State ex rel. Glasgow v. Jones*, 119 Ohio St. 3d 391 (2008).

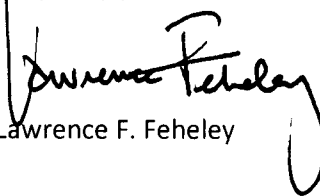


7. CMHA has no record of any grievances or complaints of discrimination containing the requested words or phrases during calendar year 2017.

Your request asked that we provide records on a "rolling basis," as they become available. A rolling request is improper under Ohio law. A public records request must be for a record that actually exists at the time of the request, and there is no duty to provide records that are not in existence at the time of the request, such as those that come into existence at a later time.<sup>2</sup> However, the enclosed policies are available on CMHA's website (<https://cmhanet.com>) should you want to check for subsequent changes or modifications.

Finally, there is no charge or fee for the records produced for this particular request.

Very truly yours,



Lawrence F. Feheley

LFF/jd

Enclosure

Cc: Mr. Ron Lebsock (via email; w/out encl)

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<sup>2</sup> See, e.g., *Starks v. Wheeling Twp. Trustees*, 2009-Ohio-4827 (5<sup>th</sup> Dist. 2009).



# Columbus Metropolitan Housing Authority

## Admissions and Continued Occupancy Policy

**Effective 01- August -09**

**Admissions and Continued Occupancy Policy Governing HUD-Assisted Low Rent Public  
Housing Operated by Columbus Metropolitan Housing Authority (CMHA)**

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## **Admissions and Continued Occupancy Policy Governing HUD-Assisted Low Rent Public Housing Operated by Columbus Metropolitan Housing Authority (CMHA)**

### **I. BACKGROUND**

- A. The Quality Housing and Work Responsibility Act of 1998 (QHWRA) signed into law on October 21, 1998 has eliminated all but one requirement for Public Housing Authorities to use Federal preferences for their own choice subject to public hearing requirements. Preferences exist only for Veterans. All other Federal preferences have been permanently abolished.
- B. Currently, CMHA has adopted a revised local preference system for the Public Housing program to promote diversity in program participation and includes families who can serve as role models.
- C. PaPHAMS of the Admissions & Occupancy Policy are a direct result of the Settlement Agreement known as West v. Bradley – Exhibit 11
  - 1. Section II.A.B.C. and Section IV.G.1-11
  - 2. Section V.E.1-6, Exhibit 2
  - 3. Section V.F.1-2, Exhibit 3.A., 3.B.
  - 4. Section V.H.1-4 and Section XII
  - 5. Section XI as applicable
- D. Construction of text and operation
  - 1. Whenever the context of this MANUAL so requires:
  - 2. Words and phrases will be read in the context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning will be read and construed accordingly.
    - a. And” may be read “or”, and “or” may be read “and” if the sense so requires it; and
    - b. The singular includes the plural, and the plural includes the singular. Words of one gender include the other genders. Words in the present tense include the future tense. If there is a conflict between figures and words in expressing a number, the words will govern. Any modification to this Grievance Procedure will be prospective in operation and application unless otherwise expressly made retrospective.
    - c. If any provision of a section of the Grievance Procedure or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or effect without the invalid provision or application, and to this and the provisions is severable.
  - 3. Any reference to any portion of the Ohio Revised Code (RC) or the Code of Federal Regulations (CFR) applies to all re-enactments or amendments thereof.
  - 4. This Grievance Procedure is incorporated by reference in all Resident Leases. Any changes proposed in this Grievance Procedure must provide for at least thirty (30) days’ notice to Residents and resident organizations, setting forth the proposed changes and providing an opportunity to present written comments. Comments submitted will be

5. considered by CMHA before any revisions are made to the Grievance Procedure (24 CFR §966.52(d)).

## **II. POLICY STATEMENT**

- A. CMHA strives to attract working families whose head or co-head have two years of continuous employment, with a broad range of eligible incomes in its Public Housing programs which include Tax Credit or mixed finance properties (see Exhibit 14). This policy has been implemented in accordance with all current or future income-based admission restriction imposed by statute or regulation. In its public housing program, CMHA will target a minimum of 50 % of new admissions to lower income families with income of 30% or less of the median income as adjusted for family size in an effort to serve the housing needs of low income and very low-income families.
- B. In each public housing community, CMHA's goal will be to have at least 50% of resident families earning more than 30% of median income. Further, to promote housing communities, CMHA will establish flat rents that will enable and encourage families with rising incomes to remain as residents of public housing. Residents will be given the opportunity on an annual basis to elect a flat rent system or 30% adjusted by family size. See Addendum 8 Annual Selection of Rent Payment.
- C. CMHA will adopt a site-based wait list policy at communities identified in the five and one year Plan to provide a customer-based approach in providing housing to low and moderate income working families. Policies and the administration thereof will comply with all applicable laws relating to Civil Rights as identified in CMHA's Policy on nondiscrimination (section IV.A of this policy) and 24 CFR 903.
- D. In order to serve eligible client populations that are severely disadvantaged, homeless, or disabled, CMHA may enter into separate lease agreements for public housing units with service providers or other appropriate agencies that will provide services and special assistance to these populations under the terms of the lease agreement. Such leasing agreements may not exceed 20% of available housing units at any time.

## **III. GENERAL STATEMENT OF POLICIES AND OBJECTIVES**

### **A. Introduction**

The U.S. Housing Act of 1937 created the Low Rent Public Housing Program. Administration of the Public Housing Program and the functions and responsibilities of the Columbus Metropolitan Housing Authority (CMHA) staff will be in compliance with CMHA's Admissions and Occupancy Policies and the requirements of the U.S. Department of Housing and Urban Development's (HUD) Public Housing Regulations, Handbooks and Notices where applicable, as well as all Federal, State and Local laws where applicable. Changes in applicable federal law or regulations will supersede provisions in conflict with this Policy.

### **B. Purpose. The purpose of this Admissions and Occupancy Policy is to:**

1. Provide a standard policy that will enable CMHA staff to administer the Public Housing Program consistently and fairly.

2. Provide answers to the Public Housing Program questions that are beyond the scope of the federal regulations.
3. Provide CMHA residents and other members of the public with a basis for CMHA decisions.
4. Provide an ongoing training document for both experienced and newly hired staff.

#### **IV. ELIGIBILITY FOR ADMISSION**

##### **A. Complying with Civil Rights Laws**

1. Civil Rights laws protect the rights of applicants and residents to equal treatment by the Housing Authority in the way it carries out its programs. It is CMHA's policy to comply with all Civil Rights laws, including but not limited to:
  - Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex;
  - Title VIII of the Civil Right Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spells out forms of prohibited discrimination;
  - Executive Order 1106,
  - Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities
  - The Age Discrimination Act of 1975, which establishes certain rights of the elderly
  - Title II of the Americans with Disabilities Act, the Fair Housing Amendments that govern Section 504. (Title II deals with common areas and public space, not living units.)
  - Any applicable State laws or local ordinances and
  - Any legislation protecting the individual rights of tenants, applicants or
  - Any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted.
2. CMHA shall not discriminate because of race, color, national origin, sex, religion, familial status, or disability in the leasing, rental, occupancy, use or other disposition of housing or related facilities, including land, which is part of a development under CMHA's jurisdiction covered by a public housing Annual Contributions Contract with HUD.
3. CMHA shall not, on account of race, color, national origin, sex, religion, familial status, or disability:
  - a. Deny anyone the opportunity to apply for housing (when the waiting list is open), nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
  - b. Provide anyone housing that is different (of lower quality) from that provided others<sup>1</sup>

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<sup>1</sup> CMHA is not only permitted but is required to provide persons with disabilities with housing that is appropriate for their needs. This accessible or adaptable housing, although different from that provided to others, is permitted because it permits persons with disabilities to participate in the public housing program

- c. Subject anyone to segregation or disparate treatment;
  - d. Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
  - e. Treat anyone differently in determining eligibility or other requirements for admission;
  - f. Deny anyone access to the same level of services<sup>2</sup>
  - g. Deny anyone the opportunity to participate in a planning or advisory group for the housing program
4. CMHA shall not automatically deny admission to otherwise qualified applicants because of the membership in some group to which negative behavior may be imputed. Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior.
5. CMHA will correct situations or procedures that create a barrier to equal housing opportunity for all. People with disabilities can take full advantage of the CMHA's housing program in accordance with Section 504, and the Fair Housing Amendments Act of 1988, there are requirements, optional actions and prohibitions:
- a. CMHA will consider a request by an applicant or resident with a disability
    - To make structural modifications to its housing and non- housing facilities and
    - To make reasonable accommodations in its procedures or practices unless such structural modifications or reasonable accommodations would result in an undue financial<sup>3</sup> "and administrative burden on the Authority or would result in a fundamental alteration in the nature of the program.
  - b. In making structural modifications to "Existing housing programs" or in carrying out "Other Alterations" for otherwise qualified persons with disabilities, MHA may, but is not required to:
    - Make structural alterations when other methods can be demonstrated to achieve the same effect;
    - Make structural alterations that require the removal or altering of a load-bearing structural member;
    - Make structural alterations to meet minimum accessibility requirements where it is structurally impracticable<sup>4</sup> also.

*Note that the undue burdens test is not applicable to housing undergoing substantial alteration.*

6. CMHA will not permit these policies to be subverted to do personal or political favors. CMHA will not offer units in an order different from that prescribed by this policy, since doing so violates the policy, federal law and the civil rights of the other families on the waiting list.

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<sup>2</sup> This requirement applies to services provided by CMHA and services provided by others with CMHA. Services provided by utilizing community space will need CMHA's permission to make such space fully accessible to persons with disabilities.

<sup>3</sup> Considering all of CMHA's sources of revenue, including both operating and capital funds

<sup>4</sup> Structural impracticability is defined as: Changes having little likelihood of being accomplished without removing or altering a load bearing structural member and/or incurring an increased cost of 50% or more of the value of the element of the building or facility involved

**B. Reasonable Accommodations Policy** It is the policy of this PHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of his or her disability before the PHA will treat a person differently than anyone else. The PHA's policies and practices will be designed to provide assurances that persons with disabilities will be provided reasonable accommodation, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known to applicants and participants. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

To be eligible to request a reasonable accommodation, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following ADA definition:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- A record of such impairment being regarded as having such an impairment.

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403(a), individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, the PHA will require that a professional third party competent to make the assessment, provides written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

If the PHA finds that the requested accommodation creates an undue administrative or financial burden, the PHA will either deny the request and/or present an alternate accommodation that will still meet the need of the person. An undue administrative burden is one that requires a fundamental alteration of the essential functions of the PHA (i.e., waiving a family obligation). An undue financial burden is one that when considering the available resources of the Housing Program as a whole, the requested accommodation would pose a severe financial hardship on that program.

The PHA will provide a written decision to the person requesting the accommodation **within 10 – 20 working days** or request additional information if needed. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the PHA's decision.

An approved internal waitlist for such persons will be maintained by the A&O Department and sent to the 504 Officer monthly.

#### **Verification of a Request for Accommodation**

All requests for accommodation or modification will be verified through the 504 Officer. The PHA will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act. **The Housing Authority utilizes organizations, which provide assistance for hearing- and sight-impaired person when needed.**

#### **C. Making Programs and Facilities Accessible to People with Disabilities**

1. CMHA shall make facilities and programs used by residents accessible to a person in a wheelchair. Application and management offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms, etc. (to the extent that the CMHA has such facilities) will be usable by residents with a full range of disabilities. To the extent that the CMHA offers such facilities, if none is already accessible, some<sup>5</sup> will be made so, subject to the undue financial and administrative burden test. Such facilities, if none is already accessible, some<sup>6</sup> will be made so, subject to the undue financial and administrative burden test.
2. CMHA shall make documents used by applicants and residents accessible for those with vision or hearing impairments. Also, all documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Unless prohibited by local law, documents may be translated into languages other than English.
3. CMHA will help applicants and residents understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance. CMHA staff will, upon request, explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand written materials for applicants and tenants
4. When CMHA has first contact with applicants, staff will ask whether they need some form of communication other than plain language paperwork. Alternative forms of communication might include: sign language interpretation; having materials; information on tape; having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials; permitting applicants to

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<sup>5</sup> It is not required that all public and common areas be made accessible so long as persons with disabilities have full access to all the types of facilities and activities available to person without disabilities. Thus, not all laundry facilities need to be accessible so long as there are sufficient accessible laundry facilities for use by person with disabilities at each development that provides laundry facilities

<sup>6</sup> 24 CFR 5.505 required that any notice or document relative to citizen or eligible immigration status, where feasible, be provided to any applicant or tenant in a language that is understood by the individual if the individual is not proficient in English. In general, documents will be translated when there are sufficient numbers of applicants or residents speaking a language to warrant the expense

- file applications by mail; and permitting alternative sites for application taking
5. Some applicants will not be able to read (or to read English), so intake staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who read or understand little English may furnish an interpreter who can explain what is going on. CMHA is not required to pay the costs associated with having a foreign language interpreter as they are for a sign language interpreter for the hearing impaired, because the Fair Housing law makes no such requirement.
  6. At a minimum, CMHA will prepare information to be used by applicants and residents in plain-language accessible formats.
  7. CMHA presently has several documents translated for Spanish and Somali speaking populations. The documents consist of pre-applications, applications, lease, and denial or termination letters.

**D. Additional Requirements for LIHTC/Public Housing Projects**

1. **General Information** CMHA owns a number of Public Housing Projects that were partially financed with Low-Income Housing Tax Credits (LIHTC). Although the LIHTC financing imposes some additional requirements on CMHA, these projects are operated as Public Housing projects subject to the tenant eligibility, admissions, rental calculations and continued occupancy policies in this CMHA Admissions and Continued Occupancy Policy Handbook. There are some additional forms and certifications that applicants and residents must sign if admitted to the LIHTC projects, but the difference in the forms and certifications do not affect compliance with the Public Housing Regulations nor do they affect determinations of eligibility for the Public Housing Program. However, both sets of documents must be completed.

When a prospective tenant fills out an application, annual income and family composition will be checked for eligibility for both the Public Housing and LIHTC programs. However, CMHA, not the applicant or resident, bears the responsibility for ensuring compliance with the LIHTC requirements and will provide assistance to Public Housing applicants and residents during any application or recertification process.

**2. LIHTC Admission and Rental Requirements**

- a. CMHA shall require each prospective tenant to certify, on the Lease application and the Low-Income Housing Tax Credit Certification form, the amount of such tenant's annual family income, family size, and any other information required to enable Owner to obtain the Credits or otherwise reasonably requested by Owner. CMHA shall require tenants to certify in writing as to such matters on an annual basis, prior to such time as the information is required for reporting purposes. CMHA must verify information provided by tenant including all income, assets, household characteristics and circumstances that affect LIHTC eligibility. Again, these LIHTC requirements and certifications do not differ substantially from Public Housing and do not affect determinations of resident compliance with Public Housing Regulations, nor do they affect determinations of eligibility for Public Housing.

- b. During initial lease-up, CMHA shall submit the information described above on each prospective tenant to Ohio Capital Corporation for Housing (“OCCH”) for approval before the unit is leased.
- c. The Project is subject to the following LIHTC restrictions affecting the affordability of rental units, household income of tenants, and set-asides for targeted special needs populations (these restrictions will not ordinarily affect applicants or residents who also qualify for Public Housing admission):
  - (1) Based on a family’s payment of 30% gross income for rent and tenant-paid utilities, gross rents for LIHTC units may not exceed the following:
    - (a) Gross rents for 100% of the low-income units must be affordable to families with incomes at or below 60% AMI.
    - (b) Gross rents for 25% of the low-income units must be affordable to families with incomes at or below 50% AMI.
- 3. **LIHTC Occupancy Requirements** The incomes of households, at the time of move-in, must not exceed the following guidelines, and these percentages must be maintained during the affordability period:
  - a. IRS Requirements & OHFA Restrictive Covenants - 100% of the low- income units must be occupied by households with incomes at or below 60% AMI.
  - b. Franklin County Housing Revenue Bonds Restrictions - 25% of the low- income units must be occupied by households with incomes at or below 50% of AMI.
- 4. **Student Household Prohibition** Units placed in service under the Low-Income Housing Tax Credit program cannot be occupied 100% by full-time college students unless the occupants meet one of the exceptions identified in Section 42 of the IRS Code. Applicants and residents are responsible for notifying CMHA if full-time college students are part of the household. CMHA will then provide assistance and gather information needed to make an eligibility/exception determination.

## V. PROCESSING OF APPLICATIONS

### A. Affirmative Marketing

- 1. CMHA will conduct affirmative marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those groups in the eligible population of the area. The marketing plan will take into consideration the number and distribution of vacant units, units that can be Expected to become vacant because of move-outs, and characteristics of families on the waiting list. CMHA will review these factors regularly to determine the need for and scope of marketing efforts. All marketing efforts will include outreach to those least likely to apply.
- 2. Marketing and information materials will:
  - a. Comply with Fair Housing Act requirements on wording, logo, size of type, etc.;
  - b. Describe the housing units, application process, and waiting list and preference structure accurately;
  - c. Use clear and easy to understand terms and more than strictly English-language print media;
  - d. Contact agencies that serve potentially qualified applicants least likely to apply (e.g., the disabled) to ensure that accessible/adaptable units are offered to applicants who need their features;

- e. Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities and
- f. Be clear about CMHA's responsibility to provide reasonable accommodations to people with disabilities.

#### B. Qualifying for Admission

1. It is CMHA's policy to admit only qualified applicants<sup>7</sup>
2. An applicant is qualified if he or she meets all of the following criteria:
  - a. Is a family, as defined in Section XV of this policy;
  - b. Meets HUD requirements on citizenship or immigration status;
  - c. Has an Annual Income (as defined in Section VH of this document) at the time of admission that does not exceed the income limits (maximum incomes by family size established by HUD) posted in CMHA offices.
  - d. Provides documentation of Social Security numbers for family members or certifies that they do not have Social Security numbers but have applied for one; and,
  - e. Meets the Applicant Selection Criteria in Section V.F. of these policies including completing a CMHA-approved pre-occupancy orientation session if requested;

#### C. Establishing and Maintaining the Waiting List

1. CMHA will administer its central office wait and site based wait lists as required by HUD's regulations.
2. Opening and Closing Waiting Lists
  - a. For any unit size or type, if the CMHA's waiting list has sufficient application to fill anticipated vacancies for the coming 12 months, CMHA may elect to; (a) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict take by preference, type of project, or by size and type of dwelling.
  - b. A decision to close the waiting list will consider the number of applications for each size and type of unit, the number of applicants who qualify for a preference, and the ability of CMHA to house applicants in twelve to eighteen months. Decisions to close waiting lists, restrict intakes or open waiting lists will be publicly announced and/or posted at intake sites.
  - c. When the waiting list is closed, CMHA will not maintain a list of individuals who wish to be notified when the waiting list is re-opened.
  - d. Notification of waiting list closings shall be published in local newspapers.
3. Determining if the Waiting List may be closed
  - a. CMHA will use its Procedure on Opening and Closing the Waiting List<sup>8</sup> to determine whether the waiting list(s) should be closed.

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<sup>7</sup> The term "qualified" refers to applicants who are eligible and able to meet the applicant selection standards. This term is taken from the 504 regs: 24 CFR § 8.3 Definition of qualified individual with a disability. In order to be eligible, a family must meet four tests: (1) they must meet CMHA's definition of family; (2) have an Annual Income at or below program guidelines; (3) each family member, age 6 or older, must provide a social security number or certify that he/she has no number; and (4) each family member receiving assistance must be a citizen or non-citizen with eligible immigration status per 24 CFR § 5.500.

<sup>8</sup> This policy refers to written procedures that cover, in this case, the closing of the waiting list. References to other administrative procedures are made periodically in the text of this policy. Their procedures are separate documents that describe the work steps necessary to implement the policy made in this document

4. Updating the Waiting List
  - a. At least once each year CMHA will update each waiting list by contacting all applicants in writing to confirm their continued interest in public housing<sup>9</sup>
  - b. If, after two attempts in writing<sup>10</sup>, or one written and one documented telephone contact, no response is received, CMHA will withdraw the name of that applicant from the waiting list.
  - c. At the time of initial intake, CMHA will advise families that they must notify CMHA when their circumstances, mailing address or phone number changes.
  - d. CMHA will remove an applicant's name from the waiting list only in accordance with its Procedure on Updating the Waiting List and Removing Applications.
  - e. Applicants not housed within 2 years from original application date will automatically be withdrawn and required to reapply if they do not indicate a desire to remain on Central Office wait list.
5. Change in Preference Status While on the Waiting List ---Some families may not qualify for a high position on the waiting list when they first applied for public housing.
  - a. The family should contact CMHA whenever a change occurs in their family income or composition so that their status may be reevaluated.
  - b. Applicants whose preference status changes while they are on the waiting list retain their original date and time of application
  - c. If CMHA determines that the family does qualify for a preference, they will be moved up on the waiting list in accordance with their reference(s) and the date and time of application.
  - d. The family may check to see if the status is altered through CMHA's automated voice mail system.

#### D. Application for Admission Procedures

1. CMHA will accept and process applications in accordance with applicable HUD Regulations
2. CMHA will assume that the facts certified to by the applicant in the preliminary application are correct, although all those facts will be verified later in the application process
3. CMHA will perform verification in compliance with HUD regulations and ACOP Policies.
4. Interviews and Verification Process
  - a. As applicants approach the top of the waiting list, they will be contacted and asked to come to CMHA's office for an interview to complete their applicant file.
  - b. Applications who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will have their applications withdraw, subject to reasonable accommodations for people with disabilities.
  - c. The following items will be verified according to HUD and CMHA's Procedures on verification, to determine qualification for admission to CMHA's housing:
    - (1) Family composition and type (Elderly/Disabled/Near Elderly/Non-Elderly);
    - (2) Annual Income;
    - (3) Assets and Asset Income;

<sup>9</sup> Or by the method designated at initial application by applicants with disabilities

<sup>10</sup> Both written communications will be sent by first class mail

- (4) Deductions from Income;
- (5) Preferences;
- (6) Social Security Numbers of all Family Members;
- (7) Applicant Screening Information; and
- (8) Citizenship or eligible immigration status
- (9) Criminal History
- d. Third-party written verification is the required form of documentation to substantiate applicant or resident claims. If attempts to obtain third party written verification are unsuccessful, PHA may then use:
  - (1) Phone verifications with the results recorded in the file, dated, and signed by CMHA staff.
  - (2) Review of documents, and if no other form of verification is available.
  - (3) Applicant certification. Applicants must cooperate fully in obtaining or providing the necessary verifications.
  - (4) If verification of third party exceeds 120 days' verification will continue on active applicants. Active is defined as being considered for a housing offer within 90 days.
- e. Verification of eligible immigration status shall be carried out pursuant to 24 CFR § 5.5.

#### E. The Preference System

1. An admission preference does not guarantee admission. Preferences establish the order of placement on the waiting list. Every applicant must still meet CMHA's Selection Criteria before being offered a unit.
2. Factors other than preferences that affect the selection of applicants from the waiting list.
  - a. Before applying its preference system, CMHA will match the characteristics of the available unit to the applicants available on the waiting list. Unit size, accessibility features, or types of object limit the admission of families to households whose characteristics "match" the vacant unit(s) available.
  - b. By matching unit and family characteristics, families lower on the waiting list may receive an offer of housing before families with an earlier date and time of application or families with a higher preference (e.g. the next unit available is an accessible unit and the only applicant family needing such features is in the non-preference pool, i.e., having no preference).
  - c. Factors other than the preference system that affect applicant selection are described below:
    - (1) When selecting a family for a unit with accessible features, CMHA will give a preference to families that include persons with disabilities who can benefit from the unit's features.
    - (2) When selecting a family for a unit in housing designated for elderly families, or disabled families, if any, CMHA will give a priority to elderly, disabled or near elderly families.
    - (3) When selecting a family for a unit in a property that houses elderly and disabled families, as opposed to a general occupancy development that houses non-

elderly families as well, CMHA will give equal priority to elderly families and disabled families.

- (4) When selecting a single person at a Mixed Population development, elderly, disabled or displaced single persons have priority over other singles. Single applicants who are not elderly, disabled or displaced can only be admitted after all elderly or disabled families or single displaced persons have been offered units.
- d. Preferences will be granted to applicants who are otherwise qualified and who, at the time of the unit offer (prior to execution of a lease); meet the definitions of the preferences described below.
3. Local Preference There is one local preference in effect based on ranges of income. Applicants will be grouped as follows:
  - a. TIER I: Families with incomes between 31% and 80% of area median income (the target for this group is 50% of all admissions in any year).
  - b. TIER II: Families with incomes between 0% and 30% of area median income (this group must constitute at least 50% of all admissions in any year).
4. Ranking Preference
  - a. CMHA uses a local Displacement Preference, defined as situations where it can be documented that the applicant household has been displaced by a natural disaster declared by the President of the United States, displacement through no fault of their own by governmental action, so as to order the Waiting List and make unit offers.
  - b. Families that do not qualify for Displacement preference will be categorized as No preference families.
  - c. Mixed Population Buildings' Local Preference. In addition to the Income Tier preference, which applies to all CMHA's developments, CMHA elects to retain the former Federal priority for single persons who are elderly, persons with disabilities, or persons displaced by governmental action over all other single person when filling vacancies in its Mixed Population buildings.
  - d. Disable persons with supportive services from community organizations.
5. Method of Applying Preferences
  - a. To ensure that CMHA admits the statutorily required 50% of applicants per year with incomes in Tier I and, at the same time, does not create concentrations of families by income at any of its properties, CMHA will rank applicants within both income tiers, in order, as Displacement or no preference.
  - b. When possible five out of every ten applicants admitted will be from Tier I.
  - c. Within each of the ranking preference category, offers will be made by the first, oldest completed application.
  - d. CMHA will house applicants from Tiers I and II on the waiting list by selecting first from the Displacement applicants, within each Tier until, all such applications are exhausted by selecting from the No- preference applicants within each Tier.
  - e. CMHA will also offer units to existing residents on the transfer list. Transfers do not count toward the 50% Tier I requirement.
  - f. CMHA will not hold units vacant for applicants with preferences, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with preferences.

6. Designated Housing

The preference system will be used to match the characteristics of the family to the type of unit available including developments with HUD-approved designated populations. The ability to provide preferences for some family types will depend on unit size available.

- a. Projects designated for the elderly<sup>11</sup>: Elderly families will receive a priority for admission to units or buildings covered by a HUD-approved Designation Plan. When there are insufficient elderly families, near- elderly families will receive a priority for this type of unit.
- b. Units designated for disabled families<sup>12</sup>: Disabled families will receive a priority for admission to units or buildings covered by a HUD-approved Designation Plan.
- c. Mixed Population Projects<sup>13</sup>: Elderly families, disabled families and persons displaced by governmental action will receive equal priority for admission to such units and all such will receive offers before single people who are elderly, disabled or displaced.
- d. General Occupancy Projects: The priority for elderly and disabled families and displaced person over single person does not apply at General Occupancy Properties.

7. Administration of the Preferences

- a. Depending on the time an applicant may have to remain on the waiting list, CMHA will either verify preferences at the time of application (when the waiting list is short or non-existent) or require that applicants certify to their qualification for a preference at the time of pre-application (when the wait for admission exceeds four months). Verifying preferences is one of the earliest steps in processing applicants for admission. Preference verifications shall be no more than 120 days old at the time of leasing.
  - b. Applicants that are otherwise eligible and self-certified as qualifying for a preference will be placed on the waiting list in the appropriate applicant pool.
  - c. Applicants that self-certify to a preference at the time of pre-application and cannot verify current preference status at the time of certification will be moved into the No-preference category and to a lower position on the waiting list based on date and time of application.
8. Notice and Opportunity for a Meeting If an applicant claims but does not qualify for a preference, the applicant can request a hearing.
- a. CMHA will provide a notice that an applicant does not qualify for a preference containing a brief statement of the reasons for the determination and that the applicant may meet with the CMHA Admissions and Continued Occupancy Manager to review the determination.
  - b. If the applicant requests the hearing, the A&O Manager will conduct the hearing. A written summary of this meeting shall be made and retained in the applicant's file.

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<sup>11</sup> Buildings or portions of buildings designated by following HUD's requirements. Designation of housing for the elderly requires a designated housing plan presented to HUD for approval.

<sup>12</sup> Buildings, floors and units can also be designated for disabled families, also by following the HUD requirements.

<sup>13</sup> A mixed population project is property, formerly known as an "elderly project" that was reserved for elderly and disabled families at its inception or for which CMHA obtained HUD approval to designate the property for elderly and disabled families.

- c. The applicant will be advised that he/she may exercise other rights if the applicant believes that illegal discrimination, based on race, color, national origin, religion, age, disability or familial status has contributed to the CMHA's decision to deny the preference.

F. Screening Applicants for Admission

1. CMHA will screen all applicants in accordance with HUD's regulations and sound management practices. During screening, CMHA will require applicants to demonstrate the ability to comply with essential provisions of the lease as summarized below:
  - a. To pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner
  - b. To care for and avoid damaging the unit and common areas
  - c. To use facilities and equipment in a reasonable way
  - d. To create no health, or safety hazards and to report maintenance needs timely to the Property Management staff
  - e. To not interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others.
  - f. To not engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff and not to engage in drug-related criminal activity
  - g. To comply with necessary and reasonable rules and program requirements of HUD and CMHA.
2. CMHA compliance with essential lease requirements:
  - a. Applicant ability and willingness to comply with the essential lease requirements will be checked and documented in accordance with CMHA's Procedure on Applicant Screening. Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing. Any costs incurred to complete the application process and screening will be paid by CMHA.
  - b. The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected to not:
    - (1) Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety or welfare;
    - (2) Adversely affect the physical environment or financial stability of the project
    - (3) Violate the terms and conditions of the lease;
    - (4) Require services from CMHA staff that would alter the fundamental nature of CMHA's program
  - c. CMHA will conduct a detailed interview of all applicants using an interview checklist and/or an interactive interview guide as a part of the screening procedures. CMHA staff will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification.
  - d. CMHA will complete a credit check and a rental history check on all applicants.
  - e. Payment of funds owed to CMHA or any other housing authority is part of the screening evaluation. CMHA will reject an applicant for unpaid balances owed CMHA by the applicant for any program that CMHA operates.

- f. CMHA will complete a criminal background check on all adult applicants or any member for whom criminal records are available. Before CMHA rejects an applicant on the basis of criminal history, CMHA must notify the household member whose criminal history is at issue with an opportunity to dispute the accuracy and relevance of that record.
- g. If any screening activity suggests that an applicant household member may be currently engaged in illegal use of drugs, CMHA shall seek information from a drug abuse treatment facility to determine whether the facility has reasonable cause to believe the household member is currently engaging in illegal drug use.
- h. CMHA may conduct a home visit with applicants who have passed the criminal history but have questionable landlord references
- i. Housekeeping criteria
  - (1) Housekeeping criteria to be checked shall include but not be limited to:
    - (a) Conditions in living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entrance-ways, halls and yard (if applicable)
    - (b) Cleanliness in each room
    - (c) General care of appliances, fixtures, windows, doors and cabinets.
  - (2) Other CMHA lease compliance criteria will also be checked:
    - (a) Evidence of destruction of property
    - (b) Unauthorized occupants
    - (c) Completion of Pre-Occupancy Orientation conducted by the Property Manager
    - (d) Evidence of criminal activity
    - (e) Conditions inconsistent with application information.
  - (3) Applicants shall have at least two days' advance written notice of Home Visits.
- j. CMHA's Suitability Screening
  - (1) CMHA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant's adult family members:
    - (a) Past performance in meeting financial obligations, especially rent and utility bills.
    - (b) Record of disturbance of neighbors (sufficient to warrant a police call) destruction of property or living or housekeeping habits that may adversely affect the health, safety or welfare of other tenants or neighbors.
    - (c) History of criminal activity on the part of any applicant family member involving crimes of physical violence to person or property or other criminal acts including drug- related criminal activity that would adversely affect the health, safety or welfare of other residents or staff or cause damage to the unit or development.
    - (d) A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
    - (e) An applicant's ability and willingness to comply with the terms of CMHA's lease.
  - (2) CMHA may require an applicant to provide a notarized statement confirming that the unsuitable individual is not a household member in order to be admitted

- if that household member has participated in or been culpable for criminal actions that warrant rejection
- (3) CMHA may prohibit admission for one year after some disqualifying behavior or event; or choose to continue that prohibition for a longer period of time.
- k. CMHA is required to reject the applications of certain applicants for criminal activity or drug abuse by household members:
- (1) CMHA shall reject a household's application for five years from the date of eviction if any household member has been evicted from any federally assisted housing for drug-related criminal activity other than distribution. Evictions for distribution of illegal drugs will bar household member or members indefinitely from Public Housing Programs.
  - (2) However, the CMHA may admit the household if the CMHA determines that:
    - (a) The evicted household member who engaged in drug- related criminal activity has successfully completed a supervised drug rehabilitation program approved by the CMHA or
    - (b) The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
  - (3) CMHA is required to reject the application of a household if the CMHA determines that:
    - (a) Any household member is currently engaging in illegal use of a drug<sup>14</sup>
    - (b) CMHA has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety or right to peaceful enjoyment of the premises by other residents; or
    - (c) Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing; or
    - (d) Any member of the household is subject to a lifetime registration requirement under a State sex offender registration program; or
    - (e) Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premise by other residents<sup>15</sup>
    - (f) An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
    - (g) Applicants must be able to demonstrate the ability and lease, either alone or with assistance that they can demonstrate they will have at the time of admission.<sup>16</sup> Availability of assistance is subject to verification by CMHA.

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<sup>14</sup> For purposes of this section a household member is "currently engaged in" the criminal activity if the person has engaged in the behavior recently enough to justify a belief that the behavior is current

<sup>15</sup> CMHA must be able to show a relationship between the applicant household member's abuse of alcohol and behavior that threatens the health, safety or right to peaceful enjoyment of other residents.

<sup>16</sup> Applicants whose landlord, financial, criminal and other references demonstrate that they are already willing and able to comply with lease terms in their existing housing will be considered to have met this criterion, whether or not they are disabled. Applicants whose housing situations make it difficult for CMHA to determine whether or not they are able and willing to comply with lease terms (e.g. because they are homeless, are living with friends or relatives,

- (4) Screening applicants who claim mitigating circumstances.
- (a) If negative information is received about an applicant, CMHA shall consider the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. To be considered mitigating circumstance must be verifiable.
  - (b) Mitigating circumstances<sup>17</sup> are facts relating to the applicant's negative rental history or behavior, that when verified, indicate:
    - i. The reason for the unsuitable rental history and/or behavior; and
    - ii. The reason for the unsuitable rental history and behavior is no longer in effect or is under control and applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.
  - (c) Mitigating Circumstances
    - i. CMHA will require any applicant who asserts that mitigating circumstances related to a change in disability, medical condition or treatment, to provide verification that he or she has applied for SSI, VA or SSA or appealed a denial of such benefits
    - ii. CMHA shall also have the right to request further information to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.
  - (d) Examples of mitigating circumstances might include:
    - i. Evidence of successful rehabilitation
    - ii. Evidence of the applicant family's participation in social service or other appropriate counseling services
    - iii. Evidence of successful and sustained modification of previous disqualifying behavior
  - (e) Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. CMHA will consider such circumstances in light of:
    - i. The applicant's ability to verify the mitigating circumstances and prospects for improved future behavior
    - ii. The applicant's overall performance with respect to all the screening requirements and
    - iii. The nature and seriousness of any criminal activity, especially drug-related criminal activity that appears in the applicant's record.
- (5) Qualified and Unqualified Applicants
- (a) Verified information will be analyzed and a determination made with respect to:
    - i. Eligibility of the applicant as a family

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or have other non-traditional housing circumstances) will have to demonstrate ability and willingness to comply with lease terms whether or not they are disabled.

<sup>17</sup> The discussion of mitigating circumstance in this paragraph is applicable to all applicants. CMHA is required by regulation to consider mitigating circumstance. See CFR§960.203 (d) (1)

- ii. Eligibility of the applicant with respect to income limits for admission
- iii. Eligibility of the applicant with respect to citizenship or eligible immigration status
- iv. Units size required for and selected by the family
- v. Preference category (if any) to which the family is entitled and
- vi. Qualification of the applicant with respect to the Selection Criteria
- (b) Qualified families will be notified by CMHA of the approximate date of admission insofar as that date can be determined; however, the date stated by CMHA is an estimate and does not guarantee that applicants can expect to be housed by that date.
- (c) Unqualified applicants will be promptly notified by a Notice of Rejection from CMHA stating the basis for such determination and offering an opportunity for informal hearing (see Procedure for Informal Hearing for Rejected Applicants). Informal Hearings for applicants are different from the resident grievance process. Applicants are not entitled to use the resident grievance process.
- (d) Applicants known to have a disability that are eligible but fail to meet the Selection Criteria will be offered an opportunity for a second meeting to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the Screening Procedures.

**G. Processing Applications for Admission**

1. CMHA will accept and process applications in accordance with applicable HUD Regulations and CMHA's Procedure on Taking Applications and Initial Processing. CMHA will assume that the facts certified to by the applicant in the preliminary application is correct, although all those facts will be verified during the application process.
2. Interview and Verification Process. As applicants approach the top of the waiting list, they will be contacted by the CMHA Occupancy Specialist and asked to come in for an interview to complete their applicant file. Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will have their applications withdrawn, subject to reasonable accommodations for people with disabilities.
3. The following items will be verified according to CMHA's Verification Procedures (Exhibit 4) to determine qualification for admission to CMHA's housing:
  - a. Family composition and type (Elderly/Disabled/near Elderly/non-Elderly)
  - b. Annual Income
  - c. Assets and Asset Income
  - d. Deductions from Income
  - e. Preferences
  - f. Social Security Numbers of all Family Members
  - g. Citizenship/Immigration Status
  - h. Criminal History

***Note: an application shall not be withdrawn if the household fails to provide verification of the social security number for a household member.***

4. Applicants reporting zero income will be asked to complete a family expense form (Exhibit 15) to document how much they spend on food, transportation, health care, child care, debts, household items, etc. and what the source of income are for these expenses. A rental amount will be calculated according to information derived.
5. CMHA's applications for admission to public housing shall indicate for each application the date and time of receipt; applicant's race and ethnicity; determination by CMHA as to eligibility of the applicant; when eligible, the unit size(s) for which eligible; preference, if any; and the date, location, identification and circumstances of each vacancy offered and accepted or rejected.

#### H. Annual Income

1. Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member including all net income from assets for the 12-month period following the effective date of initial determination or reexamination of income, exclusive of income that is temporary, nonrecurring, or sporadic as defined below, or in specifically excluded from income by other federal statute. Annual income includes but is not limited to:
  - a. The full amount before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses and other compensation for personal services
  - b. The net income from operation of a business or profession, including net withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business
  - c. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse their family for cash or assets invested in the property. If the family has net family assets in excess of Five Thousand Dollars (\$5,000), Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook saving rate as determined by HUD/
  - d. The full amount of periodic payments received from Social Security, annuities, insurance policy, retirement funds, pension, disability or death benefits, and other similar types of periodic receipts (See B. 14. below for treatment of delayed or deferred periodic payment of social security or supplemental security income benefits.)

- e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (See paragraph B3 below concerning treatment of lump sum additions as Family assets.)
- f. All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member;
- g. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and
- h. All regular pay, special pay and allowances of a family member in the Armed Forces. See 2g below for exclusions.

**2. Items not included in Annual Income**

- a. Income from the employment of children (including foster children) under the age of 18 years;
- b. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
- c. Non-recurring lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation) capital gains, onetime lottery winnings, and settlement for personal property losses (but see paragraphs (d) and (e) above if the payments are or will be periodic in nature; (See Section n. below for treatment of delayed or deferred periodic payments of Social Security or Supplemental Security Income benefits.)
- d. Amounts received by the family are specifically for or in reimbursement of the cost of medical expenses for any family member
- e. Income of a live-in aide, provided the person meets the definition of a live-in aide (See Section XV of these policies)
- f. The full amount of student financial assistance paid directly to the student or the educational institution;
- g. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- h. Certain amounts received that are related to participation in the following programs
  - (1) Amounts received under HUD funded training programs (e.g. Step-up program: excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training)
  - (2) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self- Sufficiency (PASS)
  - (3) Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of, out of pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program
  - (4) A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for

performing a service for the CMHA on a part- time basis that enhances the quality of life in public housing. Such services may include but are not limited to fire patrol, hall monitoring, lawn maintenance and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time; and

- (5) Incremental earnings and/or benefits resulting to any family member from participation in qualifying state or local employment training program (including training programs not affiliated with the local government), and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and excluded only for the duration of the applicant/tenant's participation in the training program
  - i. Temporary, non-recurring, or sporadic income (including gifts);
  - j. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
  - k. Earnings in excess of \$480 for each full- time student 18 years old or older (excluding the head of household and spouse);
  - l. Adoption assistance payments in excess of \$480 per adopted child;
- m. The incremental earnings and benefits to any resident 1) whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during participation in any economic self-sufficiency or their job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance, benefits or services, will not be increased during the exclusion period. For purposes of this paragraph, the following definitions apply:
  - (1) State-funded assistance means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the CMHA in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance provided that the total amount over a six- month period is at least \$500.
  - (2) During the 12-month period beginning when the member first qualifies for a disallowance, CMHA shall exclude from Annual Income any increase in income as a result of employment. For the second 12 months following the start of the exclusion period, 50% of the income increase shall be excluded.
  - (3) Regardless of how long it takes a resident to work 12 months (to qualify for the first exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 48 months from the month the household first qualified for the exclusion.
  - (4) The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun

working prior to admission (unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed).

- n. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;
- o. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
- p. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
- q. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility of benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (HUD will publish a notice in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. The following is a list of benefits excluded by other Federal Statute:
  - The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 USC 2017 (h)); Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 USC 5044 (g), 5088); Examples of programs under this Act include but are not limited to: ---The Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older Americana Committee Service Program National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program and Special Volunteer Programs---Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE)
  - Payments received under the Alaska Native Claims Settlement Act (43 USC.1626 (a));
  - Income derived from certain sub- marginal land of the United States that is held in trust for certain Indian tribes ((25 USC. 459e);
  - Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 USC 8624 (f));
  - Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552 (b));
  - Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L., 94-540, 90 Stat 2503-04);
  - The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (**25 USC 1407-08**), or from funds held in trust for an Indian Tribe by the Secretary of Interior (**25 USC 117b, 1407**); Amounts of scholarships funded under Title IV of the High Education Act of 1965 including awards under the Federal

Work-Study program under the Bureau of Indian Affairs Student Assistance programs. **(20 USC 1087 uu)**. ---Examples of programs under this act include but are limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National

Pro Personas Mayors, National Council on Aging, American Association of Retired Person, National Council on Senior Citizens, and Green Thumb.

- Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation;
- Payments received under the Maine Indian Claims Settlement Act of 1980 **(Pub.L.96-420, 94 Stat. 1785)**;
- The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 **(42 USC 9858q)**;
- Earned income tax credit refund payments received on or after January 1, 1991 **(26 USC 32 (j))**.
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
- Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990;

3. Mandatory Earned Income Disregards

- a. An Earned Income Disregard (EID) is appropriate for all current tenants of public housing who, on or after April 1, 1999 had a family member residing in their household who received benefits from Ohio Works First, Temporary Assistance to Needy Families, Aid to Families with Dependent Children, or Prevention, Retention, Contingency in an amount greater than \$500, within six (6) months of becoming employed, and who, on or after October 1, 1999 had an increase in family income
- b. An Earned Income Disregard (EID) is appropriate for all current tenants of Public Housing and all disabled families on Section 8 who, on or after October 1, 1999, had an increase in family income as a result of employment of a member of the tenant's family who had been unemployed for one or more years, or underemployed who earned in the previous twelve months no more than would be received for ten hours of work per week for 50 weeks at minimum wage. (Currently \$2575.00 per annum)
- c. Household members entitled to an earned income disregard will have the difference between their original and their new income as a result of the family member's new employment excluded from their income
  - (1) The tenant resides in CMHA's public housing program prior to the start of the income disregard period
  - (2) A total of 100% of the incremental difference in income will be disregarded during the first 12 months following employment; and, 50% of the incremental difference during the second 12- month period

- (3) The 24 months of disregard cannot exceed 4 years beginning the date of the qualifying employment
- (4) The monthly entitlement period for the disregard need not be consecutive so long as the time from the beginning of resident's first qualifying employment or increase in wages does not exceed four (4) years
- 4. Anticipating Annual Income If it is not feasible to anticipate income for a 12-month period, the Authority may use the annualized income anticipated for a shorter period, subject to an Interim Adjustment at the end of the shorter period. (This method would be used for teachers who are only paid for 9 months, or for tenants receiving unemployment compensation.)
- 5. Adjusted Income Adjusted Income (the income upon which rent is based) means Annual Income less the following deductions and exemptions:

For All Families:

- a. Child Care Expenses – A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed, BUT ONLY when such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be un-reimbursed expenses and shall not exceed; a) the amount of income earned by the family member released to work; or b) an amount determined to be reasonable by CMHA when the expense is incurred to permit education or to seek employment.
- b. Dependent Deduction – An exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, Live-in Aide, foster adult or foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, or a full-time student.
- c. **Work-related Disability Expenses** – A deduction of un-reimbursed amount paid for attendant care or auxiliary apparatus expenses for family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work. Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the disabled family member. Also, included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.
  - (1) For non-elderly families and elderly or disabled families without medical expenses, the amount of the deduction equals the cost of all un-reimbursed expenses for work-related disability expense less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.
  - (2) For elderly or disabled families with medical expenses: the amount of the deduction equals the cost of all un-reimbursed expenses for work-related disability expense less three percent of Annual Income (provided the amount so calculated does not exceed the employment income earned) PLUS medical expenses as defined below. For elderly and disabled families only:

- d. **Medical Expense Deduction** – A deduction of un-reimbursed Medical expenses including insurance premiums, anticipated for the period for which Annual Income is computed. Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, health insurance premiums (including the cost of Medicare), prescription and non-prescription (over the counter) medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by CMHA for the purpose of determining a deduction from income, the expenses claimed must be verifiable.
    - (1) For elderly or disabled families without work-related disability expenses the amount of the deduction shall equal total medical expenses less three percent of annual income.
    - (2) For elderly or disabled families with both work-related disability expenses and medical expenses the amount of the deduction is calculated as described in paragraph c (2) above.
  - e. **Elderly/Disabled Household Exemption** – An exemption of \$400 per household when either the head of household, the co-head or spouse is elderly or disabled.
6. **Computing Rent**
- a. The first step in computing rent is to determine each family's Total Tenant Payment. Then, if the family is occupying a unit that has tenant-paid utilities, the Utility Allowance is subtracted from the Total Tenant Payment. The result of this computation, if a positive number is the Tenant Rent. If the Total Tenant Payment less the Utility Allowance is a negative number, the result is the utility reimbursement, which may be paid to the tenant.
  - b. Total Tenant Payment is the highest of:
    - 30% of adjusted monthly income or
    - 10% of monthly income; but never less than
    - the Minimum Rent; and never more than the
    - Flat Rent, if chosen by the family
  - c. Tenant rent is computed by subtracting the utility allowance for tenant-supplied utilities (if applicable) from the Total Tenant Payment
  - d. The Minimum Rent shall be \$50 per month, but a hardship exemption shall be granted to residents who can document that they are unable to pay the \$50 because of a long-term hardship (over 90 days). Examples under which residents would qualify for the hardship exemption to the minimum rent would be limited to the following:
    - The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or Local assistance program;
    - The family would be evicted as a result of the imposition of the minimum rent requirements;
    - The income of the family has decreased because of changed circumstances, including loss of employment;

- A death of an immediate family member such as husband, wife or child has occurred;
  - Other circumstances as determined by CMHA
- e. At initial certification and at each subsequent annual reexamination the resident shall be offered a choice of paying either the income-based rent or the Flat Rent applicable to the unit they will be occupying.

**I. Occupancy Guidelines**

1. Families of the appropriate size shall occupy units. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear and under- utilization.

**Minimum and Maximum-Number-of-Persons-Per Unit Standard**

<b><u>Number of Person/Unit</u></b>	<b><u>Minimum Person/Unit</u></b>	<b><u>Maximum</u></b>
Bedrooms	(Largest Unit Size	(Smallest Unit Size)
0BR	1	1
1BR	1	2
2BR	2	4
3BR	3	6
4BR	4	8
5BR	5	10

2. The following principles govern the size of unit for which a family will qualify. Generally, two people are expected to share each bedroom, except that units will be so assigned that:
- a. CMHA has the option to determine that persons of different generations or opposite sex, other than husband and wife, not occupy the same bedroom, although they may do so at the request of the family.
  - b. Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities.
  - c. CMHA has the option to determine that two children of the opposite sex will not share a bedroom, although they may do so at the request of the family.
  - d. An unborn child will not be counted as a person in determining unit size. A single pregnant woman may be assigned to a one-bedroom unit.
  - e. In determining unit size, CMHA will count a child who is temporarily away from the home for no less than 30 days or more than 9 months because the child has been placed in foster care, kinship care, or is away at school.
  - f. A single head of household parent shall not be required to share a bedroom with his/her child over age two (2), although they may do so at the request of the family.
  - g. A live-in attendant may be assigned one or two bedroom units. Single elderly or disabled residents with live-in attendants will be assigned one or two bedroom units.
3. The Local Housing Code of two persons per bedroom will be the standard for the smallest unit a family may be offered. Individual housing units with very small or very large bedrooms or other specific situations that inhibit or encourage lower or higher levels of occupancy may be permitted to establish lower or higher occupancy levels so long as the occupancy levels will not discriminate on the basis of familial status.

4. The largest unit size that a family may be offered would provide no more than one bedroom per family member, taking into account family size and composition.
5. When a family applies for housing and when the waiting list is updated, some families will qualify for more than one unit size. These applicants may choose up to two (2) community waiting sub-list(s) or the central list and one community sub-list where they wish to receive a unit offer. Based on the family's choice, they will be placed on the appropriate waiting sub-list by unit size.
6. If a family opts for a smaller unit size than would normally be assigned under the largest unit size standard (because, required to sign a statement agreeing to occupy the unit assigned at their request until their family size or circumstances change.
7. When a family is actually offered a unit, if they no longer qualify for the unit size where they were sub-listed, they will be moved to the appropriate sub-list, retaining their preferences and date and time of application. This may mean that they may have to wait longer for a unit offer.
8. CMHA shall change the family's sub list at any time while the family is on the waiting list at the family's request.

## **VI. Tenant Selection and Assignment Plan**

### **A. Organizing the Waiting List**

1. Community-wide Waiting List It is CMHA's policy that each applicant shall be assigned his/her appropriate place on a single community wide waiting list in sequence based upon:
  - Type and size of unit needed by the family (e.g. general occupancy building, accessible or non-accessible unit, number of bedrooms);
  - Applicant
  - Date and time application is received
  - CMHA will maintain its waiting list (see exhibit 2) according to the type and size of unit needed, each applicant's priority/preference status, the date and time of application and the race and ethnicity of the family head.
2. Site-based Waiting List CMHA has elected to operate Site-based Waiting Lists and the application for such lists shall be a part of the CMHA's Annual Plan. Site-based is defined as having to apply for housing at selected development sites.
  - All current applicants for units of the size and type offered at developments with Site-based Waiting Lists will be given an opportunity to list two developments or one development and a "first available" option for where they would accept a unit offer or to opt for the "first available" unit offer.
  - Thereafter, new applicants would have the same opportunity to select up to two developments, one development and a "first available", or "first available" unit offer.
  - Once the initial site based lists are established, all applicants will be informed of the length of each list and have an opportunity when their application is updated to change their site selection

- Although applicants will have an opportunity to select the sites where they wish to receive offers, the waiting list and unit offers will continue to be monitored centrally.

#### B. Making Unit Offers to Applicants

1. To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability or familial status "Plan B" will be used to make unit offers.
  - The first qualified applicant in sequence on the waiting list is made two offers of a unit of appropriate size and type.
  - If the applicant refuses both units offered, he or she would be dropped from the waiting list.
  - Applicants who are removed from the waiting list because they refuse unit offers without good cause may not reapply for housing for 6 months.
2. CMHA will first match the units available to the highest ranking applicant for a unit of that size, type and special features (if any), taking into account any designated housing (if applicable). Preferences will then be used to determine the order of selection from the waiting list.
3. In the selection of a family for a unit with accessible features, CMHA will give preference to families that include a person with disabilities who can benefit from the unit's features.
4. Local and ranking preferences will be a factor in most admissions, although there may be instances (e.g., a unit with accessible features is ready and no applicant in the targeted preference group needs the features) when CMHA will make an offer to an applicant who does not qualify for a ranking preference. Emergency, Category 1 and certain Category 2 transfers will also be processed with new admissions.
5. The applicant must accept the vacancy offered within 5 working days of the date the offer is communicated (by phone, mail, or the method of communication designated by an applicant with disabilities) or be removed from the waiting list. Letter will confirm all offers made over the phone. If unable to contact an applicant by phone or first class mail, CMHA will send a certified letter, return receipt requested.
6. If more than one unit of the appropriate size and type is available, the first unit to be offered will be the unit that is or will be ready for move-in first. "Ready for move-in" mean the unit has no Housing Quality Standard deficiencies and is broom clean. If two units are ready for move-in on the same day, the first unit to be offered will be the unit that became vacant first.

#### C. Removing Applicant Names from the Waiting List Each applicant must keep CMHA apprised of changes in address, phone number, income or other circumstances. No applicant shall be removed from the waiting list except when one of the following situations occurs:

1. The applicant receives and accepts an offer of housing
2. The applicant requests that his/her name be removed from the waiting list;
3. The applicant is rejected, either because he/she is ineligible for public housing at

the time of certification, or because he/she fails to meet the applicant selection criteria<sup>18</sup>; or

4. The application is withdrawn because CMHA attempted to contact the applicant and was unable to do so. In attempting to contact an applicant, the following methods shall be undertaken before an application may be withdrawn:
    - The applicant will be sent a letter by first class mail to his or her last known address, asking the applicant to contact CMHA<sup>19</sup>
    - CMHA will send a second letter to the applicant if there is no response to the first letter within ten (10 days) giving him or her an additional 5 working days to respond.
    - If an applicant contacts CMHA within this 15-day notice period, he/she shall still be entitled to an offer of a unit
    - If CMHA has no response from the applicant within the first or second notice periods to schedule a meeting, or interview or to make an offer, CMHA shall suspend processing of that application until the applicant is either withdrawn (no contact by the applicant) or reinstated (contact by the applicant within the stated deadlines). While an application is suspended, applicants next in sequence will be processed.
  5. Persons who fail to respond to CMHA attempts to contact them because of verified situations related to a disability shall be entitled to reasonable accommodation and CMHA shall reinstate these individuals to their former waiting list positions.
  6. Families whose applications are withdrawn or rejected may not reapply for 6 months.
- D. Good Cause for Applicant Refusal of Unit Offer If an applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents clear evidence ("good cause") that acceptance of the offer of a suitable vacancy will result in undue hardship not related to considerations of race, color, sex, religion or national origin, the applicant will not be dropped to the bottom of the list.
1. Examples of "good cause" for refusal of an offer of housing are:
    - The unit is not ready for move-in at the time of the offer of housing. "Ready for move-in" means the unit has no Housing Quality Standard deficiencies and is broom clean. If an applicant refuses a unit because it is not ready for move-in, the applicant will be offered the next unit that is ready for move-in;
    - The family demonstrates that accepting the offer will place a family member's life, health or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders, other court orders, or risk assessments from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;
    - A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member;

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<sup>18</sup> All rejected applicants are entitled to a complete explanation of the reason for their rejection and an informal hearing at which they may present reasons why they should not be rejected. See the procedure on Informal Hearings for rejected applicants.

<sup>19</sup> Except that CMHA shall contact persons with disabilities according to the methods such individuals have previously designated. Such methods of contact could include verbal or in-person contact or contacting relatives, friends or advocates rather than the person with disabilities

- The unit has lead paint and the family has children under the age of seven;
  - The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move;
  - An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing because of reasonable accommodation problems; or
  - CMHA has HUD-approved site-based waiting lists and the offer is not for one of the sites the applicant has selected.
2. If good cause is verified, the refusal of the offer shall not require that the applicant be dropped to the bottom of the waiting list or otherwise affect the family's position on the waiting list.
  3. CMHA will maintain a record of units offered, including location, date and circumstances of each offer and each acceptance or refusal including the reason for the refusal.

#### E. Leasing Accessible Units

1. Before offering a vacant accessible unit to a non-disabled applicant, CMHA will offer such units:
  - To a current public housing resident having a disability that requires the special features of the vacant unit.
  - To an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.
2. When offering an accessible/adaptable unit to a non-disabled applicant, CMHA will require the applicant to agree to move to an available non-accessible unit within 30 days when a current resident or an applicant with a disability needs the unit. This requirement is also reflected in the lease signed with the applicant.

#### F. Administering the Applicant and Transfer Waiting Lists

1. Applications for admission and transfer will be processed centrally and at designated sites
2. **Initial intake, waiting list management, screening, and assigning of housing (including transfers) will be made from the central office and development sites**
3. Offers may be made in person, in writing or by phone from the central office or the development

#### G. Transfers

1. CMHA has four possible types of transfers: Emergency, Administrative Category 1, Category 2 and Category 3<sup>20</sup>, transfers.
2. Emergency and Category 1 and 2 administrative transfers will be processed according to agency's financial ability.
3. Tenants on the transfer list may refuse transfer offers for the "good cause" reasons cited in Section D above without losing their position on the transfer list
4. Tenants who refuse a transfer offer without good cause as defined in Section D1 above may be removed from the transfer list and

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<sup>20</sup> If CMHA has no units appropriate for Incentive Transfers, but such units are developed or acquired in the future, this policy will be activated by Board resolution

5. Tenants whose transfers are mandatory are subject to lease termination
6. Tenants may use the CMHA Grievance Procedure if they are refused the right to transfer or if CMHA is requiring them to transfer and they do not want to do so.

## **VII. Leasing Policies**

### **A. General Leasing Policy**

1. All units must be occupied pursuant to a lease that complies with HUD's regulations.
2. The head, spouse, and all other adult members of the household and the Community Property Manager or other authorized representative of CMHA shall sign the lease, prior to actual admission.
3. If a resident transfers from one CMHA unit to another, a new lease will be executed for the dwelling(s) into which the family moves.
4. If at any time during the life of the lease agreement a change in the resident's status results in the need for changing or amending any provision of the lease either:
  - a. A new lease agreement will be executed, or
  - b. A Notice of Rent Adjustment will be executed, or
  - c. An appropriate rider will be prepared and made a part of the existing lease.
5. All copies of such riders or insertions are to be dated and signed by the Resident and by the Community Property Manager or other authorized representative of CMHA.
6. Residents must advise CMHA if they will be absent from the unit for more than 14 days. Residents shall notify the manager, secure the unit and provide a means for CMHA to contact the resident in an emergency. Failure to advise CMHA of an extended absence is grounds for termination of the lease.

### **B. Showing Units Prior to Leasing**

1. When offering units, CMHA will provide the applicant with a brief property description and other information to help orient the applicant to the neighborhood and location in the property. If the applicant preliminarily accepts the offer of a unit, the manager of the property will contact the applicant to set up a date to show the unit.
2. Once the unit is shown and the applicant accepts the unit, the manager will execute a lease. If the applicant refuses the unit, a signed reason for refusal should be obtained from the applicant. The form is then sent to the Occupancy department for a "good cause" determination.
3. No lease will have an effective date before the unit is ready for occupancy

### **C. Additions to the Household and Visitors**

1. Only those persons listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit.
  - Except for natural births to or adoptions by family members, or court awarded custody, any family seeking to add a new member must request approval in writing from the Community Property Manager and have that person's financial and nonfinancial eligibility confirmed before the new member moves in.
  - In situations in which a person (often a relative) comes to the unit as a visitor but stayed on in the unit because the tenant needed support, for example, after a medical procedure that person's eligibility must also be established prior to adding him or her to the lease.

- The family must notify the Community Property Manager of any additions or changes in the household composition within 10 days of the change even if prior approval and financial and non-financial eligibility determinations are not required.
  - All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence.
2. When a resident requests approval from the Community Property Manager to add a new person to the lease, CMHA will conduct pre-admission screening of any proposed new adult member to determine whether CMHA will grant such approval. Children under the age below which Juvenile Justice records are made available, or added through a formal custody award or kinship care arrangement are exempt from the pre-admission screening process, although the resident still needs prior permission from CMHA to add children other than those born to adopted by or awarded by the court to the family.
  3. Additions of a family or household member are subject to screening when:
    - Resident plans to be married and requests to add the new spouse to the lease;
    - Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child over the age for which juvenile justice records are available;
    - A unit is occupied by remaining family member(s) under age 18 who is an emancipated minor or an adult who are not a part of the original household, but are presently on the lease, requests permission to take over as the Head of Household.
  4. Residents who fail to notify CMHA of additions to the household or who permit persons to join the household without undergoing screening are in violation of the lease. Persons residing in the unit without CMHA approval will be considered unauthorized occupants and the entire household will be subject to eviction.
  5. Visitors may be permitted in a dwelling unit so long as they have no previous history of behavior on CMHA premises that would be considered a lease violation.
    - Visits of less than three days need not be reported to or approved by the Manager
    - Visits of more than 14 calendar days shall be authorized only by the Community Property Manager with advance documentation of extenuating circumstances
    - Visitors remaining beyond this period shall be considered unauthorized occupants and the head of the household shall be guilty of a breach of the lease and subject to eviction
  6. Roomers and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease.
  7. Residents will not be given permission to allow a former resident of CMHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is ground for termination of the lease.
  8. Family members over age 17 or emancipated minors who move from the dwelling unit to establish new households shall be removed from the lease.
    - The resident must report the move-out within 10 calendar days of its occurrence.
    - These individuals may not be readmitted to the unit and must apply as a new applicant household for placement on the waiting list.
    - Medical hardship, or other extenuating circumstances shall be considered by CMHA in making determinations under this paragraph.

## VIII. Transfer Policy

### A. General Transfer Policy

1. Transfers will be made without regard to race, color, national origin, sex, religion, or familial status. Residents can be transferred to accommodate a disability.
2. Residents will not be transferred to a dwelling unit of equal size except to alleviate hardship of the resident or other undesirable condition as determined by the Executive Director or designee.
3. Residents will receive an offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfer or the removal of the household from the transfer list for voluntary transfers.

### B. Types of Transfers

- a. The order in which families are transferred shall be subject to the hierarchy by category set forth below.
  - b. Emergency Transfers are mandatory when CMHA determines that conditions pose an immediate threat to the resident's life, health or safety. Emergency transfers may be made to: permit repair of unit defects hazardous to life, health, or safety; and to alleviate verifiable disability problems of a life-threatening nature. These transfers shall take priority over new admissions.
  - c. **Category 1** Administrative transfers include transfers to remove residents who are witnesses to crimes within their housing developments and may face reprisals; provide housing option to residents who are victims of the crimes or extreme harassment; alleviate verified medical problems of a serious (but not life-threatening) nature; permit modernization or demolition of units; or permit a family that requires a unit with accessible features to occupy such a unit. Requests for these transfers will be made to the Community Property Manager with necessary documentation to substantiate the need for such transfers. Transfers may also be initiated by CMHA (e.g. moving a person with mobility problems to a unit with accessible features).
  - d. **Category 2** Administrative transfers correct serious occupancy standards problems. Category 2 transfers will only be made if the family size is so small that it includes fewer person than the number of bedrooms or so large that the household members over age four would equal more than two persons per bedroom.
  - e. **Category 3** Administrative transfers may be made to: avoid concentration of the most economically and socially deprived families, correct occupancy standards<sup>21</sup>, such as when a family's size is between the smallest and largest size permissible for the unit, or to address situations that interfere with peaceful enjoyment of the premises. These transfers will not take priority over new admissions. They will be processed according to agency's financial ability.
2. Whenever feasible transfers will be made within a resident's area.

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<sup>21</sup> Voluntary if the family is between the minimum and maximum occupancy standard but the family requests a transfer, e.g., to permit older children of opposite sexes to have separate bedrooms.

### C. Processing Transfers

1. The Admissions and Continued Occupancy (A&O) Manager shall administer a centralized transfer waiting list for Category 2 and 3 requests. Community Property Managers shall submit request for transfer, including necessary documentation, to the Admission and Occupancy Manager for inclusion on the transfer list.
2. Emergency and Category 1 Administrative transfer requests are administered through the Directory of Public Housing or designee. The wait list for this type of transfer will be kept by the Admissions and Continued Occupancy (A&O) Manager.
3. The A&O Manager will sort transfer requests into their appropriate categories and unit offers will be made in the following order:
  - Emergency transfers, then
  - Category 1 Administrative Transfers,
  - Category 2 Administrative Transfers,
  - Applicants and new admissions according to agency's financial ability
  - Category 3 Administrative Transfers Within each category, transfer requests will be sorted by the date the completed request (including any verification needed) is received from the Community Property Manager
4. Category 2 transfers to correction occupancy standards where severe over or under housing exists may be recommended at time of re-examination or interim re-determination.
5. Residents in a Category 2 over/under housed status will be advised in their 30 Notice of Result of Reexamination" that a transfer is recommended and that the family has been placed on the transfer list.
6. When a head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Category 2 transfer until the child is two (2) years of age. Exceptions: spouse or partner returns to the unit, marriage takes place and approval has been granted to add the spouse, or family decides to remain in the unit and the unit is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household.
7. Split-family transfers may be processed as Category 3 administrative transfers.
  - Families that split into 2 "new" households may be transferred to two different units or a portion of the "old" household may be transferred to a new unit depending on family circumstances, household eligibility and unit availability.
  - Such transfers will be made in a manner that minimizes the impact on vacant units.

### D. Good Record Requirement for Transfers

1. At the time of a transfer request, CMHA will conduct a suitability review of all adult household members to ensure that the household has been in good standing for three (3) years, and
  - have not engaged in criminal activity that threatens the health and safety of residents and staff;
  - do not owe back rent or other charges, or demonstrate a pattern of late payment as documented by the Community Property Manager;
  - have met reasonable housekeeping standards and have no housekeeping lease violations as documented by the Community Property Manager; and
  - can get utilities turned on in the name of the head of household.

2. Exceptions to the good record requirements may be made for emergency transfers or when it is to CMHA's advantage<sup>22</sup> to make the transfer. The A and O Manager may make an exception to the good record requirement after taking into account the recommendation by the Assistant Director(s) of Property Management and the Community Property Manager(s). Absent a determination of exception, the following policy applies to transfers:
  - If back rent is owed, the resident will not be transferred until a payment plan is established, or, if prior payment plans have been filed, and back rent is paid in full.
  - A resident with housekeeping violations will not be transferred until he/she passes a follow up housekeeping inspection.
- E. Paying for Transfers Residents shall bear the cost of transfers they had requested. CMHA will pay the moving expenses for transfers due to relocation or displacements resulting from CMHA activities. Transfers, due to over and under-housing, will be paid for by resident.

## **IX. Eligibility for Continued Occupancy, Annual Reexaminations, and Remaining Family Members**

### **A. Eligibility for Continued Occupancy**

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined in Section XV of this policy<sup>23</sup>.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members each have Social Security numbers, have applied for a Social Security number or have certifications on file indicating they have no Social Security number.
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent.
5. Who are in compliance with the CMHA's 8 hour per month community service requirements<sup>24</sup>.

### **B. Remaining Family Members and Prior Debt**

1. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head of household or spouse. CMHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.
2. Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

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<sup>22</sup> E.g., a single person living alone in a three-bedroom unit and does not want to move

<sup>23</sup> For purpose of continued occupancy, remaining family members qualify as a family so long as at least one of them is of legal age to execute a lease. Remaining family members can also include court recognized emancipated minors under age 18

<sup>24</sup> Applicable to certain adults who are neither elderly, disabled, working nor participating in qualifying educational or job training programs.

### C. Reexaminations

1. Regular reexaminations: CMHA shall, at least once a year, reexamine the family composition and incomes of all resident families.
2. A reexamination shall be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder.
3. New Reexamination Date Following Income Disallowance: When a family qualifies for an earned income disallowance, the date for the next regular reexamination shall remain the same as initial move-in certification date.
4. Zero Income Families: Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income.
5. Residents who are gainfully employed and purposely resign or reduce their work hours in order to lower rental cost will be charged at the rental amount which would have been due. Examples of such would be the reduction in hours for less than three months (90 days); the rejection of unemployment claim due to resignation by employer, etc. Failure to pay rent, including arrearages, may result in lease termination. Reexamination and interim rent procedures will be adhered to.
6. Reexamination Procedures
  - a. At the time of reexamination, CMHA's A and O staff shall require all adult members of the household to come in to be interviewed, to provide verification of identity and sign an application for continued occupancy and other forms required by HUD and CMHA.
  - b. The Occupancy Specialist will verify income, allowances and deductions, Social Security numbers, and such other data as is deemed necessary, and retain a copy of all verification/documentation in the resident's folder.
  - c. The Occupancy Specialist will complete an online EIV check on each adult family member at re-certification to help detect any unreported income, family members not reported on the lease, etc., and continued suitability. Each adult household member will sign the EIV for acknowledgement or disagreement with information reported.
  - d. The Occupancy Specialist will review all verified information with respect to:
    - (1) Eligibility of the resident as a family or as the remaining member of a family;
    - (2) Rent the family should pay.
  - e. Residents with a history of employment whose reexamination occurs when they are not employed will have income anticipated based on past and anticipated employment. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.
  - f. Income shall be computed in accordance with the definitions and procedures set forth in Federal Regulations and this policy.
  - g. The Occupancy Specialist will immediately schedule families failing to appear for the first reexamination appointment. The second appointment letter should be sent within the same month of the original appointment. Failure to respond to the second request will result in the family being sent a notice of lease violation. The Occupancy Specialist initiates the proposed lease term (PLT). The Property is responsible for processing the PLT request **or have rent adjusted to flat rent**

**amounts.**

- h. Families who fail to return required verification/ documentation by the scheduled deadline shall be issued a second “Needmore” letter identifying all verification/ documentation items needed to complete the determination process. Failure to respond to the second request will result in the family being proposed for Lease termination by the Occupancy Specialist. The Property Manager shall process a termination of the lease or have rent adjusted to flat rent amount.
7. Action Following Reexamination
- a. If there is any change in rent, a Notice of Rent Adjustment will be issued.
  - b. If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described above in this policy and moved to an appropriate unit when one becomes available.
  - c. The Occupancy Specialist will request lease termination by the Community Property Manager if the tenant fails to complete the reexamination process or adjust rent to flat rent amount.

**X. Interim Rent Adjustments: Fixed Rent System**

**A. Adjusting Rent Between Regular Reexaminations**

- 1. Residents are required to report all changes in income, family composition or status to the Community Property Manager within 10 calendar days of the occurrence.
  - a. In order to qualify for rent reductions, residents must report income decreases and provide supporting documentation to substantiate claim within 10 days of the reduction in income.
  - b. Residents are also required to report increases in income within 10 days of the occurrence.
  - c. All changes in family composition must be reported to the Property Manager within 10 days of the occurrence. Failure to report within the 10 days may result in a retroactive rent charge. [24 CFR 966.4]
  - d. Failure to report within the 10 calendar days may result in a retroactive rent increase up to flat rent amount, but not a retroactive credit or rent reduction.
- 2. CMHA wishes to encourage families to improve their economic circumstances, so some changes in family income between reexaminations will not result in a rent change if the household qualifies for an Earned Income Disregard. CMHA will process interim changes in rent in accordance with the chart below:

<u>INCOME CHANGE</u>	<u>CMHA ACTION</u>
Decreases in income for any reason, except for decreases that lasts less than 30 days <sup>25</sup> or are due to a reduction in OWF due to sanction (imputed income).  Increases in income following CMHA granting of interim rent decrease	CMHA will process an interim reduction in rent if the income decrease will last more than 30 days.  CMHA will process an interim increase for income increases that follow interim rent reductions.
Increase in earned income from the employment of a current household member.	CMHA will grant an earned income disallowance, if the individual is eligible.
Increase in unearned income (e.g. COLA adjustment for Social Security)	CMHA will process the change in income effective with the next annual review provided the change did not occur prior to the effective date of the most recent annual processed.
Increase in income because a person with income (from any source) joins the household.	CMHA will assess the proposed new members financial and non-financial eligibility in accordance with the procedures spelled out for new applicants

CMHA will process an interim increase in rent if the resident has misrepresented or failed to report facts upon which rent is based, so the rent the resident is paying is less than it should have been. CMHA will apply any increase in rent retroactive to the month following the month in which the misrepresentation occurred.

3. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by the Admissions and Occupancy Supervisor or his/her designee.
4. CMHA will process interim adjustments in rent as follows:
  - (a) When a decrease in income is reported, and CMHA receives confirmation that the decrease will last less than 30 days, an interim adjustment **will not** be processed.
  - (b) Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed in accordance with timely reporting and processing standards.
  - (c) Residents who have fluctuations in income which can reasonably be predicted will have the rent adjusted based on the best estimate of future income.
  - (d) Residents who have fluctuations in income which cannot reasonably be predicted will have the rent adjusted based on available information.
5. Residents granted a reduction in rent under these provisions would be required to report all changes in income to Occupancy Specialist and/or Manager. Reporting is required until income increases or it is time for the next regularly scheduled reexamination, whichever occurs first.

<sup>25</sup> Decreases in income resulting from welfare fraud or from welfare cuts for failure to comply with economic self-sufficiency requirements are not eligible for rent reductions

**B. Effective Date of Adjustments** Residents will be notified in writing of any rent adjustment including the effective date of the adjustment, the new rent amount and any credits or retro charges applied to their accounts.

1. In the case of a rent decrease, the adjustment will become effective on the first day of the month following the reported change in circumstances, provided tenant reported the change in a timely manner.
2. In the case of a rent increase due to increased income, which is reported and accompanied by supporting documentation within 10 calendar days of the occurrence, the increase will become effective no earlier than the first day of the 2<sup>nd</sup> month following the month in which the change was reported. The tenant must be given 30 days' advance notice of any proposed increase in rent or reduction in the utility reimbursement if the change was reported timely.
3. In case of misrepresentation in unreported income or family composition the PHA shall apply the increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred. No 30-day notice is required in these instances.

**C. Failure to Report Accurate Information**

1. If it is found the resident has misrepresented or failed to report to Management the facts upon which his/her rent is based so that the rent being paid is less than what should have been charged, then the increase in rent will be made retroactive. Failure to report accurate information is also grounds for initiating eviction proceedings in accordance with CMHA's dwelling lease. [24 CFR § 966.4(c)(2)]
2. Clients with sporadic income may be considered as misrepresenting facts if termination with "good cause" cannot be verified and/or documented inactivity with temporary employment due to the client's refusal or nonacceptance of available assignment(s).

**D. Exceptions to Minimum Rent – Special Financial Hardship Review**

1. The CMHA has established minimum rents of \$50. The minimum rent is applied as the Total Tenant Payment (TTP), but the resident of the unit may be entitled to a utility reimbursement, in the event that the utility change is more than the TTP. Certain exceptions to Minimum Rent have been established in accordance with the QHWRA Sec.507. Exceptions, applicable only to payment of minimum rent, are considered due to "financial hardship" circumstances that would prevent a resident from being able to pay the minimum rent on a long-term basis.
  - Families subject to minimum rent will be notified at the time of initial rent determination, any interim recertifications, and at their annual recertification of their right to request a hardship exemption. Such notification will be in both oral and written format, with the family also being given a copy of a form to request the hardship exemption.
  - Whether the hardship exemption is granted or denied, the family will receive a written notice of CMHA's decision on the request for a hardship exemption. This decision shall be subject to CMHA's grievance procedure and the family will be given ten (10) days to request a hearing. Any negative decision will not be implemented until either the ten (10) day period expires without a request for hearing or if the family requests a hearing until a decision is made after the hearing

2. The family has lost eligibility for or is pending eligibility for a Federal, State, or Locally-funded Training and/or Assistance Program. These Programs must be verified as receiving Federal, State, or Local Government funds to be considered eligible programs. [QHWRA § 507.1]
3. The family may be evicted as a result of the imposition of the \$50 minimum rent requirement if:
  - a. Unreported income of the PHA resident family has increased due to a change in circumstance as it relates to family composition or gain of income.
  - b. Income decreased or terminated due to the PHA resident household's failure to comply with an economic self-sufficiency program or work activities requirements **will not** be permitted to claim an exception to minimum rent or qualify for an interim rent review and/or adjustment.
  - c. Income decreased or terminated due to reports that the resident household submitted fraudulent information to a Federal, State, or Locally-funded Assistance Agency will not result in claiming an exception of minimum rent, or qualify for an interim rent review and/or adjustment.
4. If the PHA family's Assistance Program has been terminated due to "life- term" being reached an exception to minimum rent may be applicable.
5. A death in the PHA unit family has occurred.
6. Other circumstances determined by the responsible entity.
7. Hardships determined to be temporary will not be eligible for the exception to minimum rent.
  - a. During the 90-day period following PHA resident household's request for a hardship the unit's residents must demonstrate that the financial hardship is of a long-term basis. Minimum Rent will be temporarily suspended until such determination has been made. The HA will not commence eviction proceedings during the 90- day suspension due to nonpayment of rent.
    - (1) If the financial hardship is determined to be of a long-term basis, the HA will retroactively allow the exception to the date of the documented resident claim.
    - (2) If the financial hardship is determined to be temporary, minimum rent is charged including any retroactive charges for rent from the time of suspension. A reasonable Repayment Agreement will be made at such time of determination and/or CMHA may demand payment in full at such time determination of ineligibility for the Exception to Minimum Rent has occurred.
    - (3) Proper verifications of resident claims are required
      - (a) The Federal, State, or Local Government must acknowledge and verify all claims for long-term financial hardship due to a disability, in addition to verification supporting the loss or decrease of income due to the disability.
      - (b) The PHA resident household may request a grievance hearing if they contest the determination that has been made in accordance with CMHA Grievance Procedure and is exempt from any escrow deposit as it relates to the minimum rent hardship request:
  - b. Effective dates of Hardship Determination will be the month following the receipt of documented hardship circumstance(s).

**E. Community Service Requirement**

1. Each adult member of the resident's household must contribute eight hours per month

of community service, excluding political activities, or participate in an economic self-sufficiency program unless one or more of the following exemptions apply:

- a. Household member is 62 years or older.
- b. Household member is blind or disabled.
- c. Household member is the primary caregiver for someone who is blind or disabled living in the household.
- d. Household member is engaged in 30 hours or more a week of employment.
- e. Household member is enrolled in any state or local college or accredited vocational school.
- f. Household member is receiving assistance under a State program funded under Part A, Title IV of the Social Security Act or any other State welfare program; including welfare to work; and is in compliance with that program.

***Note: Any claim for a waiver must be accompanied by documentation.***

2. The HA will coordinate with social service agencies, local schools, and The Jobs and Family Services Office in identifying volunteer, community service programs available. Furthermore, the HA may create volunteer positions such as hall monitoring, litter patrols, block watch, assistance to seniors in the community, or other positions that provide a benefit to the community.
3. Tenant must provide information that can be verified when performing community service.
4. The HA will notify the resident family of failure to comply with the community service requirement and right to the resident grievance procedure [24 CFR § 966B]. If a determination of noncompliance with the community service requirement is made, the household must enter into an agreement to comply or the lease will be terminated.
5. The HA will offer the resident family the opportunity to enter into an agreement prior to the date of next reexamination. This includes agreement to enter into an economic self-sufficiency program and/or contribution of community service hours required to fulfill said requirements. The duration of the agreement will occur over the next twelve-month period beginning on the date of reexamination, while remaining in compliance with current year requirements. Failure to comply with the agreement will result in the HA taking action to terminate the lease.

## **XI. Lease Termination Procedures**

A. General Policy: Lease Termination No resident's lease shall be terminated except in compliance with HUD regulations and the lease terms.

### **B. Notice Requirements**

1. No resident shall be given a Notice of Lease Termination without being told by CMHA in writing the reason for termination.
  - a. The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply in writing as he/she may wish.
  - b. Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically:
    - (1) any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or CMHA employees; and

(2) any drug-related criminal activity.

2. Notices of lease termination may be serviced personally or posted on the apartment door.
3. Notice shall include a statement describing the right of any resident with a disability to meet with the manager and determine whether a reasonable accommodation could eliminate the need for the lease termination.

**C. Record Keeping Requirements**

A written record of every termination and/or eviction shall be maintained by CMHA, and shall contain the following information:

- Name of resident, race and ethnicity, number and identification of unit occupied;
- Date of the Notice of Lease Termination and any other state or local notices required, which may be on the same form and run concurrently;
- Specific reasons(s) for the notice(s), with section of the lease violated, and other facts pertinent to the issuing of the notice(s) described in detail;
- Date and method of notifying resident; and
- Summaries of any Conferences held with resident including dates, names of Conference participants and conclusions.

**XII. Utilities**

In some of CMHA's developments, residents pay the cost of certain utilities directly to the supplier. At these properties, resident rents are reduced by an Allowance for Utilities developed by CMHA in consultation with the utility supplier and reviewed by HUD.

**A. Resident-Paid Utilities** The following requirements apply to residents living in developments with resident-paid utilities:

1. Each resident will have a monthly utility allowance deducted from their total tenant payment that reflects a reasonable amount of utilities for the specific size and type of unit occupied.
2. When a resident's Total Tenant Payment is less than the utility allowance, CMHA will pay the tenant a utility reimbursement, equal to the difference between one month's total tenant payment or the minimum rent, as appropriate and the utility allowance.
3. When the utility supplier offers a "Budget" payment plan, it shall be suggested to the resident to use this plan because it protects the resident from seasonal fluctuations in utility bills and ensures adequate heat in the winter.
4. When a resident makes application for utility service in his/her own name, he or she shall sign a third-party notification agreement so that CMHA will be notified if the resident fails to pay the utility bill.
5. If an applicant is unable to get utilities connected because of a previous balance owed the utility company at a prior address, applicant will not be admitted and will receive a Notice of Rejection.
6. Paying the utility bill is the resident's obligation under CMHA lease. Failure to pay utilities is grounds for lease termination and eviction.
7. Resident is responsible for paying all late fees for tenant utilities.

**XIII. Flat Rents**

**A. Intent and Purpose** Flat rents are market-based rents. They vary by unit size and type and also by development location. Upon initial offer of leasing and thereafter each year, at the annual

recertification, all residents are offered the choice of paying an income-based rent or the flat rent. Flat rents represent the actual market value of CMHA's housing units. CMHA will take the following information into account in developing its flat rent schedule:

- Rents of non-assisted rental units in the immediate neighborhood;
- Size of CMHA's units compared to non-assisted rental units from the neighborhood;
- Age, type of unit and condition of CMHA's units compared to non-assisted rental units from the neighborhood;
- Land use in the surrounding neighborhood;
- Amenities (childcare, laundry facilities, playgrounds, community rooms, social services, education/job training programs, etc.) at CMHA's properties and in the surrounding neighborhood;
- Availability of public transportation at each CMHA development; and
- Availability of accessible units from persons with mobility impairments.

- B. Annual Update of Flat Rents CMHA shall review the flat rent structure annually and adjust the rents as needed. When a resident chooses flat Rent, his/her rent shall be adjusted only at the next regular reexamination/recertification rather than at the point the flat rent may change.
- C. Recertification of Families on Flat Rents Families paying flat rents are required to recertify income only every three years, rather than annually. However, all other eligibility requirements must still be verified annually.

#### **XIV. Grievance procedures**

##### **A. Introduction**

##### **1. Purpose and Availability**

- a. The purpose of this section is to set forth the requirements, standards criteria and process for the HA Grievance Procedure. The Grievance Procedure is a means through which a resident of low-rent Public Housing may bring his/her grievance concerning his/her residency before the Authority and, if applicable, before a fair, impartial and disinterested Hearing Officer.
- b. The Grievance Procedure ensures that the resident is afforded an appropriate forum to present his or her grievance when he or she disputes or challenges, within the time prescribed, any CMHA action or failure to act involving his or her residency or any CMHA policy, rule and/or regulation which allegedly adversely affects his rights, duties, welfare or status. [24 CFR § 966.50]
- c. Representation – The Grievance Procedure is designed to be an efficient, effective and accessible forum for the prompt resolution of a resident's grievance. In order for the Grievance Procedure to operate as designed, resident representation is preferred and encouraged at grievance hearings. The Columbus Legal Aid Society (hereinafter, "Legal Aid") is available to perform advocacy for residents and applicants at both informal and formal grievance hearings. Residents desiring to use the Grievance Procedure to resolve disputes with CMHA are strongly urged to contact Legal Aid by telephone at (614) 224-8374 or in person at 40 West Gay Street, Columbus, Ohio 43215.
- d. Availability – A copy of the Grievance Procedure will be available for public inspection at the Central Office, in the office of the Director of Public Housing, the Admissions and Occupancy Office and all community Property Management Offices; and may be furnished to applicants, residents and resident Organizations and any other person or community groups upon request within a reasonable time and for a reasonable fee to cover CMHA's copying cost. [24 CFR § 966.52 (d)]

## **B. Applicability and Scope**

1. In accordance with 24 CFR § 966.51, this Grievance Procedure will be applicable to all individual grievances (as defined herein) with CMHA with the following three exceptions:
  - a. Because HUD has issued a due process determination that the law of the State of Ohio requires that tenant be given the opportunity for a hearing in court which provides the basic elements of due process (as defined hereinafter) before eviction from the dwelling unit, the Grievance Procedure will not be applicable to any termination of tenancy or eviction that involves:
    - (1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of CMHA property of other residents or employees of CMHA, or
    - (2) Any drug-related criminal activity on or near CMHA property.
  - b. CMHA's Grievance Procedure will not be applicable to disputes between residents not involving CMHA or to class grievances. The Grievance Procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and CMHA's Board of Commissioners.
  - c. CMHA's Grievance procedure will not be applicable to disputes arising from CMHA's denial of an applicant's request for a Local Preference [24 CFR § 960.211 (k)].
2. The Grievance Procedure, when appropriate, will be applicable to, but not limited to the following:
  - a. Disputes over the amount of rent due under the lease for the leased premises.
  - b. Charges levied by the HA due to damages to CMHA property allegedly caused by the resident or resident household members, guests, invitee; and
  - c. Conditions in the resident's dwelling unit and/or the need for repairs.

## **C. Definitions for purposes of this Grievance Procedure, the following definitions are applicable:**

1. Applicant – anyone who makes application to become a resident of CMHA's Low Income Public Housing or a participant in CMHA's Section 8 or Homeownership Programs.
2. Application – any written request from any person to CMHA to become a resident of CMHA's Low Income Public Housing or a participant in CMHA's Section 8 or Homeownership Programs.
3. Authority – CMHA.
4. Authority Property – any real or personal property owned or managed by CMHA.
5. Board of Commissioners or Commissioners – the duly appointed governing body of CMHA.
6. Day or Days – a calendar day or calendar days, inclusive of Saturday, Sunday, and legal holidays.
7. Complaint – the action of a tenant in presenting a grievance to the Community Property Manager or the Central Office in accordance with the procedures governing grievances.
8. Decision – the Hearing Officer's written findings and conclusions, and reasons therefore, relative to the resident or applicant's grievance.
9. Due Process: An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:
  - a. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;
  - b. Right of the tenant to be represented by counsel;

- c. Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the tenant may have;
  - d. A decision on the merits of the case.
- 10. Employee – any person employed by the Authority or any agent or representative of the Authority.
- 11. Eviction or Forcible Entry and Detainer Action – the court ordered dispossession of a resident from the leased premises as a result of a court judgment granting restitution of the leased premises to CMHA.
- 12. Grievance – any dispute which a resident may have with respect to Authority action or failure to act in accordance with the individual resident’s lease or Authority regulations which effect the individual resident’s rights, duties, welfare or status.
- 13. Grievance Hearing will mean a session where a resident and the Authority present information concerning a resident grievance to an impartial Hearing Officer and based on the information presented and the applicable law, regulations and rules, a decision is rendered.
- 14. Hearing Officer – a person selected by CMHA in accordance with 24 CFR § 966.55 and this Grievance Procedure to hear resident grievances and render a decision with respect thereto.
- 15. Housing Community Management Office – the on-site Authority Management Office for the Housing Community in which a resident resides.
- 16. HUD – The Department of Housing and Urban Development.
- 17. Informal Settlement Conference – the Conference held between the Property Manager and the resident to informally discuss and settle the resident’s grievance.
- 18. Lease or Dwelling Lease – the written contractual agreement between the Authority and the resident that sets forth the rights, responsibility and obligations of each relating to the use and occupancy by resident of property (including real and personal property) owned and/or managed by CMHA.
- 19. Leased Premises – the unit, dwelling unit, apartment or property (including real and personal property) leased or rented to resident pursuant to the lease with CMHA.
- 20. Resident Organization – an organization of residents, incorporated or unincorporated, who reside in CMHA owned or administered property.
- 21. Rule – regulations, codes of conduct and policies.
- 22. Resident – the adult person (or persons) other than a live-in-aide:
  - a. who resides in the unit, and who executed the lease with CMHA as lessee of the dwelling unit, or if no such person now resides in the unit, b) who resides in the unit, and who is the remaining head of the household of the resident family residing in the dwelling unit.
- 23. Written or in Writing – any representation in words, letters, symbols, or figures.

**D. Procedures Governing the Formal Settlement Conference**

- 1. The hearing shall be held before a Hearing Officer or hearing panel, as appropriate.
- 2. The complainant shall be afforded a fair hearing, which shall include:
  - a. The opportunity to examine before the grievance hearing any PHA documents, including records and regulations that are directly relevant to the hearing. (For a Grievance Hearing concerning a termination of tenancy or eviction, see also Sec. 966.4(m)). The tenant shall be allowed to copy any such document at the tenant’s

expense. If the PHA does not make the document available for examination upon request by the complainant, the PHA may not rely on such document at the grievance hearing.

- b. The right to be represented by counsel or other person chosen as the tenant's representative, and to have such person makes statements on the tenant's behalf;
  - c. The right to a private hearing unless the complainant requests a public hearing;
  - d. The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the PHA or project management relies; and
  - e. A decision based solely and exclusively upon the facts presented at the hearing.
3. The Hearing Officer or hearing panel may render a decision without proceeding with the hearing if the Hearing Officer or hearing panel determines that the issue has been previously decided in another proceeding.
4. If the complainant or the PHA fails to appear at a scheduled hearing, the Hearing Officer or hearing panel may make a determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and the PHA shall be notified of the determination by the Hearing Officer or hearing panel, provided that a determination that the complainant has waived his/her right to a hearing shall not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in an appropriate judicial proceeding.
  - a. At the hearing, the complainant must first make a showing of an entitlement to the relief sought.
  - b. The Hearing Officer or hearing panel will conduct the hearing informally and receive oral or documentary evidence pertinent to the facts and issues raised by the complaint without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Hearing Officer or hearing panel shall require the PHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the direction of the Hearing Officer or hearing panel to obtain order may result in exclusion from the proceedings or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.
  - c. The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.
5. Accommodation of persons with disabilities.
  - a. CMHA must provide reasonable accommodation for persons with disabilities to participate in the hearing and thereafter the PHA must sustain the burden of justifying the PHA action or failure to act against which the complaint is directed. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.
  - b. If the tenant is visually impaired, any notice to the tenant that is required under this subpart must be in an accessible format.

E. **Effective date.** The policies and procedures set forth in this Manual will take effect immediately and will remain in effect until modified or repealed by the Board of Commissioners of the Columbus Metropolitan Housing Authority.

F. **Applicant/tenant Notification**

1. The Authority has an affirmative duty to inform applicants and residents about this Grievance Procedure. This duty will be complied with by: Posting **NOTIFICATION OF RESIDENT GRIEVANCE (Addendum 4)** in a conspicuous place in each Housing Community Management Office, the applicants Office and the Authority Central Office; and
2. By advising each applicant and resident to read **NOTIFICATION OF RESIDENT GRIEVANCE**. Further, if a resident has made several complaints about some problem but has not specifically requested an Informal Settlement Conference (hereinafter sometimes referred to as Conference), it is desirable, but not mandatory, that the Property Manager informs the resident of the Grievance Procedure and the possibility of settlement under it.

G. **Informal Settlement Conferences**

1. Informal Settlement of applicant/resident's Grievance
  - a. If the resident chooses to resolve his/her grievance through this Grievance Procedure, he will personally present, either orally or in writing, his grievance to the Office of the Admissions and Continued Occupancy Manager at CMHA's Central Office or if a tenant, to the Management Office of the Housing Community in which he resides so that the grievance may be discussed informally and possibly settled at an Informal Settlement Conference without a grievance hearing. [24 CFR § 966.54]
  - b. Grievances received from tenants by the Office of the Admissions and Continued Occupancy Manager at CMHA's Central Office will be referred to the resident's Property Manager.
  - c. The resident will present his grievance by 4:00 p.m. on or before the thirtieth (30th) day from the date that the dispute or problem originally arose (except in the case where CMHA has issued a Proposed Termination of Lease or Homeownership Agreement). [24 CFR § 966.50]
  - d. When CMHA's Central Office or the resident's Housing Community Management Office is closed to the public for the entire day and such day is the thirtieth (30th) and final day for the resident to present his grievance or before 4:00 p.m. of such day, then the resident may present his grievance on the next succeeding day which is not a Saturday, Sunday or legal holiday recognized by the Authority.
  - e. If the resident does not request his grievance within 30 days of notification of the aggrieved action, he will not be entitled to an Informal Settlement Conference or Grievance Hearing under this Grievance Procedure unless he can show good cause for his failure to timely present the same. The Director of Housing Management and Services of the Authority or his designee will determine whether the resident has good cause for failing to timely present his grievance.
  - f. If the applicant chooses to dispute the reason for rejection of his/her application, he will personally present, either orally or in writing, his grievance to the office of the Director of Public Housing at CMHA's Central Office so that the grievance may

be discussed informally and possibly settled at an Informal Settlement Conference without a Grievance Hearing.

- g. The resident's Property Manager will review the request as soon as the grievance is received, and will ascertain whether the exclusions set forth in the above apply to the grievance.
  - (1) Should any one of the exclusions apply, the complainant will be notified in writing within a reasonable time that the matter raised is not subject to CMHA's grievance procedure, with the reason therefore.
  - (2) If none of the exclusions apply, the Property Manager will schedule an Informal Settlement Conference with the resident. Exhibit II.
  - (3) Under no circumstance will the Property Manager schedule a Conference sooner than three (3) days from the date that the resident's grievance was received or later than ten (10) days after the date of receipt of the tenant's request.
  - (4) An extension of up to an additional six (6) calendar days may be granted when just cause for a reasonable delay, including reasonable delays requested by the resident exists.
- 2. Purpose of the Informal Settlement Conference
  - a. To amicably resolve the applicant/resident's grievance without resorting to a Grievance Hearing.
  - b. The Property Manager and the resident, or the Admissions and Occupancy Manager and the applicant should extensively discuss the grievance, the possible means of resolution, and reach a decision satisfactory to both parties, if possible.
  - c. Serious effort needs to be exerted by CMHA and the applicant/resident to resolve the grievance at this level. [24 CFR § 966.54]
  - d. The Conference is not an adversarial proceeding and therefore, neither CMHA nor the applicant/resident may have any legal representation at such Conference. However, both CMHA and the applicant/resident may present witnesses at the Conference.
  - e. Either CMHA or the applicant/resident, or both may record the Informal Settlement Conference with an electronic recording device. Any such recording will be done at the expense of and remains the property of the party making such recording. Prior to any participant activating any recording device, such participant will inform all other participants of his intent to record the Informal Settlement Conference. **If any participants object, no one may record the Conference.**
  - f. The Admissions and Occupancy Manager or Property Manager will conduct the Conference in a fair and impartial manner. The resident will be given full opportunity to discuss his grievance. However, the Manager may limit the Conference to thirty-minutes. Additional time may be allowed at the discretion of the Property Manager.
  - g. If at any time during the Conference, either the applicant/resident or any other participant becomes disruptive, unruly, combative, or otherwise engages in violent, threatening or unacceptable conduct, the Manager may terminate the Conference and render a decision in the form of the Summary of Informal Settlement Conference (hereinafter sometimes referred to as Summary) based upon the information adduced up to the time that the Conference was terminated

(Exhibit 12). If the Property Manager terminates the Conference, he will state this fact and the reasons therefore in his Summary.

- h. Conference Summary Completion – after the Conference has been held, the Manager will complete the Summary. [24 CFR § 966.54]
  - (1) The Summary will specify the names of the participants, the date of the Conference, the nature of the resident's grievance, the nature of the proposed disposition of the grievance and the specific reasons therefore, and will specify the procedures by which a hearing under 24 CFR § 966.55 may be obtained if the resident is not satisfied with the Summary.
  - (2) Every effort will be made to issue the Summary at the Informal Settlement Conference.
  - (3) Under no circumstances will the Property Manager fail to either mail (by first-class mail, postage prepaid) or personally deliver a copy of the Summary within seven (7) days of the date of the Conference.
  - (4) The Property Manager will make an original and one (1) copy of the Summary. The copy will be mailed or personally delivered to the resident. The original will be retained by the Property Manager and placed in the resident file. [24 CFR § 966.54]

#### **H. Formal Grievance Hearings**

- 1. When a Formal Hearing is required, CMHA must give a participant family:
  - a. An opportunity for an Informal Hearing to consider whether the following HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and CMHA policies:
  - b. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
  - c. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from CMHA's utility allowance schedule.
  - d. A determination of the family unit size under CMHA subsidy standards.
  - e. A determination that a family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under CMHA subsidy standards, or CMHA's determination to deny the family's request for an exception from the standards.
  - f. A determination to terminate assistance for a participant family because of the family's action or failure to act (see Sec. 982.552).
  - g. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under CMHA policy and HUD rules.
- 2. When hearing is not required, the HA is not required to provide a participant family an opportunity for an Informal Hearing for any of the following:
  - a. Discretionary administrative determinations by CMHA.
  - b. General policy issues or class grievances.
  - c. Establishment of CMHA's schedule of utility allowances for families in the program.
  - d. An HA determination not to approve an extension or suspension of a certificate or voucher term.
  - e. A CMHA determination not to approve a unit or lease.

- f. A CMHA determination that an assisted unit is not in compliance with HQS. (However, CMHA must provide the opportunity for an Informal Hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in Sec. 982.5519(c).
3. Notice to Family.
- a. In the cases described in 2. (a), (b) and (c) above, CMHA must notify the family that the family may ask for an explanation of the basis of the HA determination, and that if the family does not agree with the determination, the family may request an Informal Hearing on the decision.
  - b. In the cases described in paragraphs 2. (d), (e) and (f) above CMHA must give the family prompt written notice that the family may request a hearing. The notice must:
    - (1) Contain a brief statement of reasons for the decision,
    - (2) State that if the family does not agree with the decision, the family may request an Informal Hearing on the decision, and
  - c. State the deadline for the family to request an Informal Hearing.
4. Procedures for Requesting a Grievance Hearing.
- a. If the resident and/or applicant is dissatisfied with the settlement arrived at in the Informal Settlement Conference, he/she may request a Grievance Hearing.
  - b. The resident will request a Grievance Hearing in the following manner: by completing the Grievance Hearing Request Form (Exhibit 13) or a written request for a hearing and setting forth therein the reasons for his dissatisfaction and/or grievance and the action or relief sought [24 CFR § 966.55 (A)(1) and (2)]; and
  - c. By delivering or mailing a copy of the Summary and the completed Grievance Hearing Request Form or written request for a hearing to: The Columbus Metropolitan Housing Authority, Attention: Admissions & Occupancy, 880 East 11th Avenue, Columbus, Ohio 43211.
  - d. In either event, the copy of the Summary and the completed Grievance Hearing Request Form or written request must be received by either the Housing Community Management Office or the Central Office of the Authority within thirty (30) days after it was mailed or hand-delivered.
  - e. The resident's failure to attach a copy of the Summary to the Grievance Hearing Request Form or to any written request for a hearing will not be a reason to deny the resident's request for a hearing.
  - f. If the complainant requests a Grievance Hearing in a proper and timely manner, CMHA will schedule a hearing on the grievance at the earliest time possible but in no case later than twenty (20) days (except for good cause shown) after CMHA received the written request for hearing.
  - g. If the complainant fails to request a hearing within thirty (30) days after the Summary was mailed or hand-delivered to him, CMHA's Summary rendered as a result of the Informal Settlement Conference becomes final and CMHA is not obligated to offer the complainant a hearing unless the complainant can show good cause why he/she failed to proceed in accordance with this procedure [24 CFR § 966.55 (c)] and (d). Also, the resident's failure to request a Grievance Hearing does not affect his right to contest CMHA's decision in a court hearing. [24 CFR § 966.55 (c)]

5. Selection of Hearing Officer for resident Grievances
  - a. An impartial person will conduct a Grievance Hearing or persons appointed by CMHA after consultation with resident organizations, as described below:
  - b. CMHA will nominate a slate of impartial persons to sit as Hearing Officers.
    - (1) Persons may include CMHA Board members, CMHA staff members, residents, professional arbitrators, or others.
    - (2) Such persons will not include a person who made or approved CMHA's action that is the subject of the Grievance Hearing or a subordinate of such person.
    - (3) CMHA will confirm with each nominee whether there is an interest in serving as a potential Hearing Officer, and whether the nominee feels fully impartial, whether the nominee can serve without compensation, and what limitations on the nominee's time would affect such service.
    - (4) Nominees will be informed they will be expected to disqualify themselves from hearing grievances that involve personal friends, other residents of communities in which they work or reside, or grievances in which they have some personal interest.
    - (5) Nominees who are not interested in servicing as Hearing Officers or whose time is too limited to make service practical will be withdrawn.
  - c. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the HA hearing procedures.
  - d. All hearings will be conducted during the business hours.
  - e. Expeditious Hearing Process.

Where a hearing for a participant family is required under this section. CMHA must proceed with the hearing in a reasonably expeditious manner upon the request of the family.

6. Escrow Deposit Required for a Hearing Involving Rent
  - a. Pursuant to 24 CFR § 966.55 (e), before a hearing is scheduled in any grievance involving the amount of rent which CMHA claims is due under the resident's lease, the complainant will pay to CMHA an amount equal to the rent due and payable at the first of the month preceding the month the rent increase became effective (in which the act or failure to act took place.)
  - b. The complainant will thereafter deposit the same amount of the monthly rent in CMHA's escrow account monthly until the complaint is resolved by decision of the Hearing Officer.
  - c. CMHA will not waive this requirement.
  - d. The failure of the resident to make such payments **will** result in the termination of the Grievance Procedure.

#### **I. Formal Grievance Hearing Procedures**

1. Administrative Plan. The administrative plan must state the HA procedures for conducting Informal Hearings for participants.
2. Discovery
  - a. By Family.

The family must be given the opportunity to examine before the HA hearing any HA documents that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the HA does not make the

document available for examination on request of the family, the HA may not rely on the document at the hearing.

b. By CMHA.

The HA hearing procedures may provide that the HA must be given the opportunity to examine at HA offices before the HA hearing any family documents that are directly relevant to the hearing. CMHA must be allowed to copy any such documents at its expense. If the family does not make the document available for examination on request of the HA, the family may not rely on the document at the hearing.

c. Documents. The term “documents” includes records and regulations.

3. Representation of Family.

At its own expense, a lawyer or other representative may represent the family.

4. Evidence.

CMHA and the family must be given the opportunity to present evidence, and may question any witnesses.

Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

5. Issuance of Decision.

The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision.

Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

**J. Procedures Governing Hearings**

1. At the hearing, the duties of the Hearing Officer will be similar to those of a judicial referee.

2. The Hearing Officer will ensure that the hearing is conducted in an orderly fashion, using at his/her discretion, the powers granted in 24 CFR § 966.56.

3. In addition, it is the duty of the Hearing Officer to render a fair and equitable decision based solely on the facts and law presented at the Grievance Hearing.

4. The complainant will be afforded a fair “due process” hearing, which will include:

a. The opportunity to examine before the Grievance Hearing any CMHA documents, including records and regulations that are directly relevant to the hearing. The Complainant will be allowed to copy any such document at the complainant’s expense. If CMHA does not make the document available for examination upon request by the complainant, CMHA may not rely on such documents at the Grievance Hearing.

b. The right to be represented by counsel or other person chosen as the complainant’s representative and to have such person make statements on the complainant’s behalf.

c. The right to a private hearing unless the complainant requests a public hearing.

d. The right to present evidence and arguments in support of the complainant’s complaint to controvert evidence relied on by CMHA or Housing Community Management, and to confront and cross examine all witnesses upon whose testimony or information CMHA or Housing Community Management relies; and

e. A decision based solely and exclusively upon the fact presented at the hearing.

5. The Hearing Officer may render a decision without proceeding with the hearing if he/she determines that the issue has been previously decided in another proceeding. [24 CFR § 966.56(c)]
6. If the complainant of CMHA fails to appear at the scheduled hearing, the Hearing Officer may make a determination to postpone the hearing for a period not exceeding five (5) days, excluding holidays and weekends, or may make a determination that the party has waived his right to a hearing. Both the complainant and CMHA will be notified of the determination by the Hearing Officer; provided that a determination that the complainant has waived his right to a hearing will not constitute a waiver of any right the complainant may have to contest CMHA's disposition of the grievance in court. [24 CFR § 966.55 (d)]
7. At the hearing, the complainant must first make a showing of an entitlement to the relief sought and, thereafter, CMHA must sustain the burden of justifying CMHA's action or failure to act against which the complaint is directed. [24 CFR § 966.56 (e)]
  - a. The hearing will be conducted informally by the Hearing Officer.
  - b. Oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
  - c. The Hearing Officer will require CMHA, the complainant, counsel, and other participants or spectators to conduct themselves in an orderly fashion.
  - d. Failure to comply with the directions of the Hearing Officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate. [24 CFR § 966.56 (f)]
8. The complainant or CMHA may arrange, in advance, and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcripts. [24 CFR § 966.56 (g)].
9. CMHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the complainant is visually impaired, any notice to the complainant, which is required under this procedure, must be in an accessible format. [24 CFR § 966.56 (h)]
10. Decision of the Hearing Officer
  - a. The Hearing Officer will prepare and issue a written decision on the complaint within fifteen (15) days after the hearing.
  - b. The decision must state the conclusions, reasons, and otherwise comply with the decisional requirements set forth in 24 CFR § 966.56 and 24 CFR § 966.57, specifically including:
    - (1) Whether the complainant is entitled to the relief sought and the reasons upon which such a conclusion is based; and
    - (2) Whether CMHA sustained the burden of justifying its actions or failure to act, together with the reasons upon which such a conclusion is based.
  - c. A copy of the decision will be sent to the Complainant and CMHA.
  - d. CMHA will retain a copy of the decision in the Complainant's file.

- e. A copy of the decision with all names, and identifying references deleted, will also be maintained on file by CMHA and made available for inspection by a prospective complainant, his representative, or the Hearing Officer. [24 CFR § 966.57 (a)]
- 11. Pursuant to 24 CFR § 966.57 (b), the decision of the Hearing Officer will be binding on CMHA which will take all actions, or refrain from any actions, necessary to carry out the decision unless CMHA's Board of Commissioners determines within thirty (30) days, and promptly notifies the complainant of its determination that:
  - a. The grievance does not concern CMHA action or failure to act in accordance with or involving the Complainant's lease or CMHA regulations, which adversely affect the Complainant's rights, duties, welfare or status; or
  - b. The decision of the Hearing Officer is contrary to applicable Federal, State or Local law, HUD Regulations, or requirements of the annual contributions contract between HUD and CMHA.
- 12. A decision by the Hearing Officer or Board of Commissioners in favor of CMHA or which denies the relief requested by the Complainant in whole or in part will not constitute a waiver or, not affect in any way, the rights of the Complainant to trial or judicial review in any court proceedings which may be brought in the matter later. [24 CFR § 966.57 (c)]

**K. Effect of Decision. The HA is not bound by a Hearing Decision**

- 1. Concerning a matter for which the HA is not required to provide an opportunity for an Informal Hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the HA hearing procedures.
- 2. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.
- 3. If the HA determines that it is not bound by a Hearing Decision, the HA must promptly notify the family of the determination, and of the reasons for the determination.

**L. Restrictions on Assistance to Non-Citizens**

The Informal Hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in **24 CFR part 5**.

**XV. DEFINITIONS OF TERMS**

- 1. **Accessible dwellings units** – When used with respect to the design, construction or alteration of an individual dwelling units, means that the unit is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical disabilities. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in **24 CFR § 8.32 & § 40** [the Uniform Federal Accessibility Standards] is “accessible” within the meaning of this paragraph. When an individual dwelling unit in an existing facility is being modified for use by a specific individual, the unit will not be deemed accessible, even though it meets the standards that address the impairment of that individual, unless it also meets the UFAS standards.
- 2. **Accessible Facility** – Means all or any portion of a facility other than an individual dwelling unit used by individuals with physical disabilities. **[24 CFR § 8.21]**

3. **Accessible Route** – For persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. [24 CFR § 8.3 & § 40.35]
4. **Adaptability** – Ability to change certain elements in a dwelling unit to accommodate the needs of disabled and non-disabled persons; or ability to meet the needs of persons with different types & degrees of disability. [24 CFR § 8.3 & § 40.35]
5. **Adult** – A Person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State or tribal law.
6. **Alteration** – Any change in a facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, reroofing, interior decoration or changes to mechanical systems. [24 CFR § 8.3 & § 8.23 (b)]
7. **Applicant** – a person or a family that has applied for admission to housing.
8. **Area of Operation** – The jurisdiction of the PHA as described in applicable State law and the PHA's Articles of Incorporation.
9. **Assets** – Assets means "cash (including checking accounts), stocks, bonds, savings, equity in real property, or the cash value of life insurance policies. Assets do not include the value of personal property such as furniture, automobiles and household effects or the value of business assets."  
**IMPORTANT:** See the definition of Net Family Assets, for assets used to compute annual income. (See 24 CFR § 5.603 for definition of Net Family Assets)
10. **Auxiliary Aids** – Means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities. [24 CFR § 8.3]
11. **Care Attendant** – A person that regularly visits the unit of a PHA resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by PHA must demonstrate separate residence) and do not live in the Public Housing unit. Care attendants have no rights of tenancy.
12. **Co-Head of Household** – A household where two persons are held responsible and accountable for the family, and where each co-head contributes to the rent.
13. **Covered Person** – For the purposes of screening and terminating tenancy for criminal activity, a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.
14. **Dependent** – A member of the household, other than head, spouse, sole member, foster child, or live-in aide, who is under 18 years of age, or 18 years of age or older and disabled, or a full-time student, and qualifies for a \$480 deduction when computing income-based rent. [24 CFR § 5.603]
15. **Designated Family** – Means the category of family for whom PHA elects (subject to HUD approval) to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 Housing Act. (PL 96-120)
16. **Designated Housing (or Designated Project)** – A project(s), or portion of a project(s) designated for elderly only or for disabled families only in accordance with PL 96-106.
17. **Disabled Family** – A family whose head, spouse or sole member is a person with disabilities. (Person with disabilities is defined later in this section). The term includes two or more persons with disabilities living together, and one or more such persons living with

- one or more persons including live-in aides determined to be essential to the care and well-being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly. [24 CFR § 5.403]
18. **Displaced Person** – A person displaced by government action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to Federal disaster relief laws. This definition is used for eligibility determinations only. It should not be confused with the former Federal preference for involuntary displacement. [42 USC 1437a(b)(3)]
  19. **Divestiture Income** – Imputed income from assets, including business assets, disposed of by applicant or resident in the last two years at less than fair market value. (See the definition of Net Family Assets [24 CFR § 5.603] in this section).
  20. **Drug** – A controlled substance as defined in the Controlled Substances Act. [24 CFR § 5.100]
  21. **Drug-Related Criminal Activity** – The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell distribute or use the drug. [24 CFR § 5.100]
  22. **Elderly Family** – A family whose head or spouse (or sole member) is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. An elderly family may include elderly persons with disabilities and other family members who are not elderly. [24 CFR § 5.403]
  23. **Elderly Person** – A person who is at least 62 years of age. [42 USC 1437A(b)(3)]
  24. **Extremely Low Income Family** – a family whose annual income is equal to or less than 30% of Area Median Income, as published by HUD.
  25. **Family:**
    - Two or more persons (with or without children) regularly living together, related by blood, marriage, adoption, guardianship or operation of law who will live together in PHA housing; OR
    - Two or more persons who are not so related, but are regularly living together, can verify shared income or resources and will live together in PHA housing.
    - The term family also includes the following terms defined in this Section:
      - Elderly family
      - Near elderly family
      - Disabled family
      - Displaced person
      - Single person
      - Remaining member of a tenant family, a foster care arrangement, or a kinship care arrangement
      - Other persons, including members temporarily absent (e.g. a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family's household if they are living or will live regularly with the family. [24 CFR § 5 and 960]
      - Live-in aides may also be considered part of the applicant family's household. However, live-in aides are not *family* members and have no rights or tenancy or continued occupancy.

- Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency. For purposes of continued occupancy, the term family also includes the remaining member of a resident family with the capacity to execute a lease.
26. **Full-Time Student** – A person who is caring a subject’s load that is considered full-time for day students under the standards and practices of the educational institution attended. Educational institution shall include but not be limited to: college, university, secondary school, vocational school or trade school. [24 CFR 5.603]
  27. **Guest** – For the purposes of determining whether an individual’s criminal activity is the responsibility of the tenant, a guest is a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of the lease apply to a guest as so defined.
  28. **Head of Household** – The family member (identified by the family) who is held responsible and accountable for the family.
  29. **Household** – The family and a PHA-approved live-in-aide.
  30. **Incremental Increase in Income** – The amount of change in household member’s income as a result of new employment or increased wages from the prior income of that household member.
  31. **Individual with Disabilities, Section 504 definition [24 CFR § 8.3]**
    - (a) Section 504 definitions of Individual with Disabilities and Qualified Individual with Disabilities are not the definitions used to determine program eligibility. Instead, use the definition of person with disabilities as defined later in this section. Note: The Section 504, Fair Housing, and Americans with Disabilities Act (ADA) definitions are similar. ADA uses the term “individual with a disability”. Individual with disabilities means any person who has:
      - (1) A physical, mental or emotional impairment that:
        - substantially limits one or more major life activities;
        - has a record of such an impairment;
        - or is regarded as having such an impairment.
      - (2) For purposes of housing programs, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others
      - (3) Definitional Elements:
        - “Physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; muscular-skeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genital-urinary; hemic and lymphatic; skin; and endocrine; or

- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
- “Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- “Has a record of such an impairment” means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
- “Is regarded as having an impairment” means has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation; or
- Has a physical or mental impairment that substantially limits one or more major life activities only as result of the attitudes of others toward such impairment; or
- Has none of the impairments defined in this section but is treated by a recipient as having such an impairment.

***NOTE: A person would be covered under the first item if PHA refused to serve the person because of a perceived impairment and thus “treats” the person in accordance with this perception. The last two items cover persons who are denied the services or benefits of PHA’s housing program because of myths, fears, and stereotypes associated with the disability or perceived disability.***

(b) The 504 definition of disability does not include homosexuality, bisexuality, or transvestitism. Note: These characteristics do not disqualify an otherwise disabled applicant/resident from being covered. The 504 definition of individual with disabilities is a civil rights definition. To be considered for admission to Public Housing a person must meet the program definition of person with disabilities found in this section.

33. **Kinship Care** – An arrangement in which a relative or non-relative becomes the primary caregiver for a child or children but is not the biological parent of the child or children. The primary caregiver need not have legal custody of such child or children to be a kinship caregiver under this definition. (Definition provided by the Kinship Care Project, National Association for Public Interest Law).
34. **Live-In-Aide** – A person who resides with an elderly person(s), near elderly person(s) or person(s) with disabilities and who:
- (a) is determined by PHA to be essential to the care and wellbeing of the person(s);
  - (b) is not obligated to support the family member; and
  - (c) would not be living in the unit except to provide the necessary supportive services. [24 CFR 5.403]
  - (d) before a live-in-aide may be moved into a unit, a third-party verification must be

- supplied that establishes the need for such care and the fact that the live-in-aide is qualified to provide such care.
- (e) move-in of a live-in-aide must not result in overcrowding of the existing unit according to the maximum-number-of-persons-per-unit standard (although, a reasonable accommodation for a resident with a disability may be to move the family to a larger unit);
  - (f) live-in-aides have no right to the unit as a remaining member of a resident family;
  - (g) relatives who satisfy the definitions and stipulations above may qualify as live-in-aides, but only if they sign a statement prior to moving in relinquishing all rights to the unit as the remaining member of a resident family;
  - (h) a live-in-aide is a single person;
  - (i) a live-in-aide will be required to meet PHA's screening requirements with respect to past behavior especially:
    - A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors;
    - Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development; and
    - A record of eviction from housing or termination from residential programs.
35. **Low-Income Household** – A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller and larger families. [42 USC 1437a(b)]
  36. **Medical Expense Allowance** – For purposes of calculating adjusted income for elderly or disabled families only, medical expenses mean the medical expense in excess of 3% of Annual Income, where these expenses are not compensated for or covered by insurance. [24 CFR § 5.603]
  37. **Minor** – A minor is a person less than 18 years of age. An unborn child will not be considered as a minor (See definition of dependent). Some minors are permitted to execute contracts, provided a court declares them “emancipated”.
  38. **Mixed Population Project** – means a Public Housing project for elderly and disabled families. The PHA is not required to designate this type of project under the Extension Act. (PIH Notice 97-12)
  39. **Multifamily Housing Project** – For purposes of Section 504, means a project containing five or more dwelling units. [24 CFR § 8.3]
  40. **Near-Elderly Family** – means a family whose head, spouse, or sole member is a near-elderly person (at least 50 but less than 62 years of age), who may be a person with a disability. The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well-being of the near-elderly person or persons. A near-elderly family may include other family members who are not near-elderly. [24 CFR § 5.403]
  41. **Near-Elderly Person** – means a person who is at least 50 years of age but below 62, who may be a person with a disability [42 USC 1437a(b)(3)]
  42. **Net Family Assets** – The net cash value, after deducting reasonable costs that would be incurred in disposing of: [24 CFR § 5.603]

- (a) Real property (land, houses, mobile homes)
  - (b) Savings (CDs, IRA or KEOGH accounts, checking and savings accounts, precious metals)
  - (c) Cash value of whole life insurance policies
  - (d) Stocks and bonds (mutual funds, corporate bonds, savings bonds)
  - (e) Other forms of capital investments (business equipment) Net cash value is determined by subtracting the reasonable costs likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such costs are: brokerage or legal fees, settlement costs for real property, or penalties for withdrawing saving funds before maturity. Net Family Assets also include the amount in excess of any consideration received for assets disposed by an applicant or resident for less than fair market value during the two years preceding the date of the initial certification or reexamination. This does not apply to assets transferred as the result of a foreclosure or bankruptcy sale. In the case of a disposition as part of a separation or divorce settlement, the disposition will not consider to be less than fair market value if the applicant or resident receives important considerations not measurable in dollar terms [24 CFR § 5.603(b)(3)].
43. **Other Persons Under the tenant's Control** – The person, although not staying as a guest in the unit is or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control (e.g. the pizza delivery person).
44. **Person with Disabilities [42 USC 1437a(b)(3)] means a person who –**
- (a) Has a disability as defined in Section 223 of the Social Security Act (42 USC 423); or,
  - (b) Has a physical, mental or emotional impairment that:
    - Is expected to be of long continued and indefinite duration;
    - Substantially impedes his/her ability to live independently; and,
    - Is of such nature that such disability could be improved by more suitable housing conditions; or
- NOTE: this is the program definition for Public Housing. The 504 definitions do not supersede this definition for eligibility of admission. [24 CFR 8.4 (c)(2)]**
- A person with disabilities may be a child.
  - (c) Has a developmental disability as defined in Section 102 (5) (b) of the Developmental Disabilities Assistance and Bill of Rights Act. [42 USC 6001 (5)]
45. **Portion of Project** – includes, one or more buildings in a multi-building project, one or more floors of a project or projects, and a certain number of dwelling units in a project or projects. [24 CFR § 945.105]
46. **Project, Section 504** – means the whole of one or more residential structures and appurtenant structures, equipment, roads, walks, and parking lots that are covered by a single contract for Federal financial assistance or application for assistance, or are treated as a whole for processing purposes, whether or not located on a common site. [24 CFR § 8.3]
47. **Premises** – The building or complex or development in which the Public Housing dwelling is located, including common areas and grounds.

48. **Qualified Individual with Disabilities, Section 504** – means an individual with disabilities who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the PHA can demonstrate would result in a fundamental alteration in its nature.
- (a) Essential eligibility requirements include: ...stated eligibility requirements such as income as well as other explicit or implicit requirements inherent in the nature of the program or activity, such as requirements that an occupant of multifamily housing be capable of meeting the recipient's selection criteria and be capable of complying with all obligations of occupancy with or without supportive services provided by persons other than the PHA.
- (b) For example, a chronically mentally ill person whose particular condition poses a significant risk of substantial interference with the safety or enjoyment of others or with his or her own health or safety in the absence of necessary supportive services may be "qualified" for occupancy in a project where such supportive services are provided by the PHA as a part of the assisted program. The person may not be "qualified" for a project lacking such services. [24 CFR § 8.3]
49. **Single Person** – A person who is not an elderly person, a person with disabilities, a displaced person, or the remaining member of a resident family.
50. **Sporadic Income** – Temporary non-recurring income that cannot reasonably be expected to continue.
51. **Spouse** – Spouse means the husband or wife of the head of the household.
52. **Tenant Rent** – The amount payable monthly by the family as rent to PHA. Tenant Rent equals Total Tenant Payment when all utilities (except telephone) and other essential housing services are supplied by CMHA. Where some, or all utilities (except telephone), and other essential housing services are not supplied by the PHA, and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance. [24 CFR § 5.603]
53. **Total tenant Payment (TTP)** – The TTP, or income-based rent, is calculated using the following formula:
- The greatest of 30% of the monthly Adjusted Income (as defined in these policies) or 10% of the monthly Annual Income (as defined in these policies), or the Welfare Rent if applicable, but never less than the Minimum Rent or greater than the Ceiling Rent, if any. If the resident pays and of the utilities directly to the utility supplier, the amount of Utility Allowance is deducted from the TTP. [24 CFR § 5.613] See the definition for tenant Rent.
54. **Uniform Federal Accessibility Standards** – Standards for the design, construction, and alteration of publicly owned residential structures to ensure that physically disabled persons will have ready access to and use of such structures. The standards are set forth in **Appendix A to 24 CFR Part 40. See cross-reference to UFAS in 504 regulations, 24 CFR § 8.32 (a).**
55. **Utilities** – Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone service is not included as a utility. [24 CFR § 990.102]
56. **Utility Reimbursement** – Funds that are reimbursed to the resident or, with the resident's permission, the utility company on the resident's behalf if the utility allowance exceeds the Total tenant payment. Tenants who choose to pay flat rents do not receive a utility

reimbursement, since the value of the flat rent takes into account any utilities paid by the tenant.

- 57. **Very Low-Income Family** – Very low-income family means a family whose Annual Income does not exceed 50 percent of the median Annual Income for the area, with adjustments for smaller and larger families, as determined by the Secretary of Housing and Urban Development. [42 USC 1437a(b)]
- 58. **Violent Criminal Activity** – Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause serious bodily injury or property damage. [82 24 CFR § 5.611]

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## **Exhibit 1 – Wait List Closure**

1. CMHA will use the following method to determine whether the waiting list(s) may be partially or completely closed. **CMHA may elect to close lists by program or by bedroom size.**
2. **When the Waiting List May be Closed**
  - a. Staff will compute the average number of move ins per year over the past two years. The average number will be multiplied by 90% [24 CFR 960.211(b)(2)(ii)].
  - b. The waiting list will then be examined to determine how many applicants there are already in the “top priority” category established by the CMHA Local and ranking Preference system for which applicants qualify.
    - (1) If the number of “top priority” applicants is less than 90% of the average number of move ins per year, the waiting list may not be closed.
    - (2) If the number of “top priority” applicants is equal to or greater than 90% of the average number of move ins per year, the waiting list may be closed. This determination is made because the average wait of a new applicant in the “top priority” category would be more than one year [7465.1 REV-1-2-3 (3)].
3. After the waiting list has been closed, at any time, if the number of applicants on the “top priority” category drops below 90% of the average number of move ins per year, CMHA will reopen the waiting list and begin to take new applications. CMHA may elect to accept applications only from individuals who qualify for the “top priority” category.
4. The waiting list is closed or has been reopened a sign will be placed in the lobby and an advertisement will be placed in the newspaper. The sign and ad will indicate which waiting lists are affected and what restrictions may apply for the program. Public service ads on local radio or TV stations may also be utilized to increase outreach to the visually impaired. Groups that work with the visual or hearing impaired may also be notified.

## **Exhibit 2 – Waiting List Maintenance**

### **I. Preliminary Application Registration**

- A. Receiving New Applications (Central and Site Based Waiting Lists)**
  - 1. Prospective applicants for Housing will secure a preliminary application form from the Central Office Receptionist or the Occupancy Tech in his or her preferred community, who instructs them to complete the form and return it to the designated box
  - 2. Receptionist or Occupancy Tech receives completed preliminary application from prospective applicant and stamps date and time of receipt
  - 3. Receptionist or Occupancy Tech reviews preliminary application for completeness
  - 4. Receptionist or Occupancy Tech checks CMHA case data file to determine:
    - a. if applicant is known to CMHA already and
    - b. whether they have an outstanding balance owed CMHA
    - c. If balance still due CMHA, the Receptionist or Occupancy Tech will forward the preliminary application form to the assigned Application Clerk who will withdraw this application and notify the applicant immediately
- B. The Receptionist or Occupancy Tech reviews the preliminary application and enters the information into the computer system, including:**
  - 1. Application Entry
    - a. Family size/composition including name, age gender and relationship of all H.H. members
    - b. Income of all H.H. members and income exclusions or deductions
    - c. SSN for all household members. members
    - d. Prior connection with any CMHA programs
    - e. Criminal/drug record available through public records
    - f. Address and telephone number
    - g. Disability of any family member
    - h. Preferred housing community for that community's waiting list
  - 2. Notifies prospective applicant of the decision on their preliminary application, including all reasons why application is being withdrawn
  - 3. The Receptionist forwards the preliminary application to the A and O Manager for inclusion in the Preliminary Application file for subsequent review and action
  - 4. The Community Occupancy Tech forwards the preliminary application to the Central Office for inclusion in the Preliminary Application file.
- C. Follow Up**
  - 1. The application will be placed on the Waiting List(s) based on ranking (date and time of application), Local Preferences and community preference
  - 2. Preferences, ranking, etc may differ between the Central Waiting List and Site Based Waiting Lists. Each Wait List is broken into sub-lists determining type of building needed (Elderly or Non-elderly) and size of unit (bedroom size).

## **II. Waiting List Maintenance**

- A. All waiting lists are maintained in local preference order by date of preliminary application. Information contained on the waiting list includes
  - 1. Name of head of household
  - 2. Date and time the preliminary action was received
  - 3. Unit size required
  - 4. Preference status codes
  - 5. Minority status/race or ethnicity (when required by the HUD Field Office)
  - 6. Eligibility date
  - 7. Client number
  - 8. Applicant's preferred community for their site based waiting list
  - 9. Location code (computer code reflecting applicant's place in the application process)
- B. At the time of a change in circumstances, the applicant immediately notifies CMHA of the change so that the waiting list can be appropriately updated
- C. System initiated updates periodically, CMHA sends "Are You Still Interested" letter to all HH's. on the waiting list to ascertain their continued interest in housing assistance from CMHA
  - 1. Upon receipt of the returned card, IT:
    - a. Updates the computer information for the waiting list based on applicant's response to "Are You Still Interested" letter
    - b. Updates the computer information for the waiting list based on information reported by Post Office
    - c. Updates the computer information for the waiting list to remove name if H.H. fails to respond to "Are You Still Interested" letter within the prescribed time frame
  - 2. Weekly updates are made to the waiting list as applicants are added or deleted from the waiting list
- D. CMHA will remove an applicant from the waiting list for the following reasons:
  - 1. The applicant requests withdrawal.
  - 2. The applicant failed to advise CMHA of his/ her continued interest in public housing. CMHA requires applicants to notify the Authority of continued interest on an annual basis. This includes changes in family status, preference status, or mailing addresses. Applicants must sign and return the Interest Card that is mailed by CMHA to each applicant with an active folder. Failure to complete and return the card will result in withdrawal from the Waiting List.
  - 3. If CMHA has made reasonable efforts to contact the applicant to determine continued interest and is unsuccessful, correspondence to the latest reported address that has been returned from the Post Office will be acceptable documentation and considered a reasonable effort to contact the applicant. This will result in rejection of the application.
  - 4. CMHA will notify the applicant of its intention to remove the applicant from the Waiting List.
  - 5. If the Authority has made reasonable efforts to contact the applicant to

schedule necessary interviews necessary to complete the application process or obtain information necessary to process the application, and the applicant has failed to respond and/ or comply.

6. If an applicant fails to keep any scheduled interview or appointment or fails to respond to the Authority concerning information that is necessary to process the application or to maintain the waiting list, the application will be withdrawn.
7. The applicant fails to pay an outstanding balance owed to CMHA within the time specified in the Admission & Occupancy Policy and CMHA does not have a judgment against the applicant.
8. If CMHA has a judgment against the applicant.
9. The applicant fails to respond to an offer of housing or does not respond within the time provided.
10. The applicant fails to meet eligibility requirements for the program.
11. The applicant fails to pay an existing utility balance, which results in a denial of new service by the utility supplier
12. The applicant has conducted falsification of an application, verification or any other information required by CMHA.
13. Bad police report or landlord reference
14. Other reasons determined by CMHA

### **III. Pulling Names from the Waiting List**

#### **A. City Wide Waiting List**

1. The Admissions and Occupancy Manager and Assistant Directors will assess the unit demand levels in conjunction with projected unit availability and financial concentration
2. The Admissions and Occupancy Manager will print a copy of the public housing waiting list and identify the target populations based on income levels and bedroom sizes requested
3. The Admissions and Occupancy Manager will annotate the waiting list to reflect applicants to be scheduled in for interviews and distribute the list to the designated workers for scheduling application interviews

#### **B. Site Based Waiting Lists**

1. The Asset Manager/Assistant Director and Property Manager will assess the unit demand levels by community in conjunction with projected financial concentration
2. The Property Manager will print a copy of the public housing waiting list for that community if vacancies exist and identify the target populations based on income levels and bedroom sizes requested
3. The Property Manager will annotate the waiting list(s) to reflect applicants to be scheduled in for interviews and distribute the list to the designated workers for scheduling the application interview

C. Scheduling Applicants

1. The CCS computer system will generate scheduling letters for each names applicant who has not already been scheduled in for the complete Application Process
2. The A and O Manager, or his (her) designee retrieves the printed and gives the letters to the Occupancy Specialists scheduled to handle intakes to schedule the applicant in for a full interview
3. The A and O manager or his (her) designee requests a full listing of the families having been pulled to have scheduling letters prepared by accessing the "Applicant Wait Lists menu" in CCS
4. The Applications Supervisor or his her designee annotates the listing generated to reflect the assignment of applicants to the Occupancy Specialists and distributes the letters accordingly
5. The Occupancy Specialist reviews CCS on each of the scheduled applicants
  - a. Changes the case status from "A" to "W" to reflect their changed status on the waiting list therefore that name will not appear again during the pendency of this process
  - b. Schedules the applicant for an appointment or provides the supervisor with a copy of the scheduling letter
  - c. Mails all appropriate scheduling notices
6. Applicants may be withdrawn at their request. No Informal Hearing is required following withdrawal, although CMHA must maintain files of withdrawn applications for three years or until the next HUD occupancy audit.

*Note: Applicants whose applications are rejected are entitled to an Informal hearing, if requested in a timely manner. The files of rejected applications will be held for three years or until the next HUD occupancy audit.*

**IV. The Full Application Interview and Processing**

- A. The Application Clerk conducts interview with applicant, reviewing the Personal Declaration to secure verification of all eligibility factors including:
  1. Each application must be completed and signed by the head of household and co-head (if applicable). CMHA representatives will be prepared to assist applicants who have difficulty completing the application. This assistance may be answering questions, helping applicants with literacy, vision or language needs. CMHA representative will, in general, make it possible for interested parties to submit an application for public housing.
    - a. Family size/composition including name, age gender and relationship of all HH members
    - b. Income and assets of all household members
    - c. SSN for all household members
    - d. Full time student status
    - e. Total medical expenses

- f. Child care expenses
    - g. Disability assistance expenses
    - h. Reason for requesting a larger than application unit based on household size
    - i. Citizenship
    - j. Preference status
      - (1) Income status
      - (2) Address and telephone number
      - (3) Disability of any family member
  - 2. Review the Community Service Requirements with all adult household members and determine who will be required to participate and/or the verifications required to exempt an adult in the household from participation
- B. Verification Process
- 1. Each application must be completed and signed by the head of household and co-head (if applicable). CMHA representatives will be prepared to assist applicants who have difficulty completing the application. This assistance may be answering questions, helping applicants with literacy, vision or language needs. CMHA representative will, in general, make it possible for interested parties to submit an application for public housing.
    - a. Family size/composition including name, age gender and relationship of all household members
    - b. Identification of all family members
    - c. Income and assets of all household members
    - d. SSN for all household members
    - e. Full time student status
    - f. Total medical expenses
    - g. Child care expenses
    - h. Disability assistance expenses
    - i. Reason for requesting a larger than application unit based on household size
    - j. Citizenship
    - k. Preference status
      - (1) Income status
      - (2) Address and telephone number
      - (3) Disability of any family member
  - 2. Review the Community Service Requirements with all adult household members and determine who will be required to participate and/or the verifications required to exempt an adult in the household from participation
- B. Verification Process
- 1. Identifies sources of third party verification and generates the needed letters to those sources for information

2. Secures the applicant(s)' signature on all forms and documents used to obtain information from third parties.
3. Collects verification the Applicant brings to the interview and makes copies, as appropriate for inclusion in the application package
4. Provides applicant with a written list of needed verification on a "Needs More" letter with the deadline of 10 days for the return of identified items
5. If requested items are not returned from the 3<sup>rd</sup> party, the applicant may provide verifications to substantiate their eligibility
6. The application will be withdrawn, if required verification is not received within 30 days of the interview
7. Determines applicant's suitability in accordance with procedures spelled out in Exhibit 3.

C. Follow Up

1. Sends applicant a second "Needs More letter"(CMHA 2804)" if all items are not received within 10 days of the applicant's receipt of the first "Need More (CMHA 2804)" letter.
2. If all information is not received within the allowed time frames, the application is denied and the applicant is removed from the waiting list.
3. The Occupancy Specialist records verifications received on the CMHA documentation report noting each item listed and the date it was received
4. The Occupancy Specialist makes a determination of full eligibility and tenant payment maximums utilizing the Income Calculation Worksheet, records a summary of the eligibility factors in the "Notes" section and prints a copy for inclusion in the case file
5. As appropriate, Occupancy Specialist proposes minimum rent to zero income households based on applicants responses to the Minimum Rent Hardship waiver questions
6. The Occupancy Specialist updates computer system (PHAMS) to reflect final disposition of application
7. The Occupancy Specialist prepares or generates all appropriate notices via the computer, reflecting the final disposition of the application and the proposed community

*Note: All verification must be less than 90 days old at the time of referral to the property manager. The Occupancy Specialist will need to re-verify and re-calculate applicant eligibility when information related to the rent calculation is more than 90 days old.*

8. The Occupancy Specialist gives the completed package to the supervisor for review and action

D. Supervisory Responsibilities

1. The Admissions and Occupancy Supervisor reviews the completed package received from the Occupancy Specialist for accuracy and completeness. The package will be rejected back to the clerk if errors or inconsistencies exist
2. If correct, the Admissions and Occupancy Supervisor will assign cases to communities and monitor assignment progress.

3. Case Routing
  - a. If the application is approved, a copy of the application package is made, and the original package is sent to the designated Property Manager for leasing
  - b. If the application is denied, the package is filed in the "Rejected/Withdrawal" file
- E. Offer of Housing:
  1. Once the applicant has been determined eligible and suitable, the Property Manager will notify the applicant in writing and/or by telephone that the application process has been completed, approved, and a unit is available to rent of unit availability and the applicant has three (3) days from that date to contact CMHA regarding the unit offer. CMHA representatives will coordinate the showing of units at a mutually convenient time for the client and development staff. Clients may see a unit prior to application approval, however this does not guarantee approval or offer of housing. **Failure to respond to the letter within the specified time will cause the applicant's name to be dropped from the waiting list.**
  2. After the applicant has seen the unit offered, he/ she must inform the Property in which the unit is situated of the acceptance or rejection of the unit on the first working day following the showing.
    - a. If the applicant rejects an offer for housing, CMHA will determine if the reason for rejection is acceptable under the Tenant Selection & Assignment Plan.
    - b. If the reason for rejection is valid, the applicant does not lose his / her place on the Waiting List and is offered another unit.  
Example: Presence of lead based paint if the applicant has children under age seven.
    - c. Failure to respond promptly will be considered an automatic rejection of the unit. 2.
    - d. Failure to pay the security deposit within five (5) days will result in the applicant forfeiture of any applicable preference.

*Note: Inability to pay the security deposit within the required time will result in the applicant returning to the bottom of the wait list. If, at the second offer, the applicant is still unable to pay the deposit, the applicant's name to be dropped from the waiting list.*

3. If the unit is rejected and the reason is not determined acceptable under the Tenant Selection & Assignment Plan, the application is removed from the Waiting List.
4. If the applicant accepts the unit that is offered, the Property Management staff will schedule the lease process at the first time convenient for both the applicant and the Management staff.

5. The move in inspection will be conducted by the on site manager and the new tenant. Both parties will sign the Move In Inspection Form, noting the exact condition of the unit.
6. The applicant will pay the security deposit, a pro-rated payment of the first month's rent and any other deposits that may be required (pet deposit in an elderly unit, key deposit, etc.). The lease will be signed and the keys to the unit issued. The applicant is now a tenant.
7. CMHA Unit Occupied

## Exhibit 3 – Suitability Determination

- I. Suitability Determination Criteria Suitability requires that the applicant and the members of the applicant's household, meet any needs based requirements as established by CMHA and demonstrate through verifications that they: will pay the rent in full and timely, care for the unit, and will be good neighbors.
  - A. Financial Suitability
    1. The two primary areas that are targeted are rental/ ownership history and recorded criminal records. The following is a basic explanation of what information is examined in an effort to determine suitability for housing.
    2. The applicant must provide CMHA the address (es) that they have resided for the past five (5) years.
    3. A rental history is processed utilizing FABCO, an agency contracted to maintain rental records in the State of Ohio. If the resident has resided out of the State of Ohio, manual verification of the applicant's past performance may be conducted.
    4. **The FABCO report indicates: public records (i.e. evictions, collections, judgments), detailed payment history, length of time at residences, problems experienced by current and prior landlords, report of pets, balances, damages, reported places of employment, other recent inquiries for the applicant's information.**
    5. If an eviction for good cause is reported within the past five years, the application will be withdrawn.
      - a. If a client moved owing damages and/ or a balance, a six (6) month, consecutive payment history must have been established or the application may be withdrawn.
      - b. If a client moved owing a balance to CMHA, the balance must be paid in full prior to the completion of the eligibility determination process
      - c. **FAILURE TO PAY WILL RESULT IN THE APPLICANT BEING REJECTED. CMHA MAKES NO DISTINCTION BETWEEN AN OUTSTANDING BALANCE CARRIED AS A CURRENT RECEIVABLE AND AN OUTSTANDING BALANCE WHICH HAS BEEN WRITTEN OFF AS A COLLECTION LOSS.**
  - B. Non Financial Issues
    1. **If the client was evicted for destroying property, disturbing the health, safety or quiet enjoyment of other residents the application will be withdrawn.**
    2. If the client abandoned a CMHA unit without notification that contributed to vandalism the application will be withdrawn.
    3. If the client has falsified information in the application process the application may be withdrawn.

4. **If the applicant initiates threats, acts in an abusive manner, or behaves in some other manner, which indicates intent to assault employees, other applicants, or residents of CMHA the application will be withdrawn.**

C. Criminal Activity

Criminal activity of the part of any applicant family member involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity with would adversely affect the health, safety, or welfare of other residents will be a valid reason for withdrawal of an application. CMHA reviews evidence that substantiates a history of criminal behavior through an arrest, conviction, and or probation period for crimes on the part of any applicant family member. CMHA reviews criminal activity on all adult residents at annual recertification.

1. Any charges that may relate to the welfare of other residents including the applicant's family or charges that could affect the safety and quiet enjoyment of neighbors must have dispositions provided.

*Note: Applications will not be withdrawn for minor traffic violations, such as stop signs, jaywalking, etc.*

2. Applications will be automatically withdrawn for any of the following convictions in the past five years:
  - a. Murder
  - b. Domestic Violence
  - c. Child Endangering
  - d. Child Molestation
  - e. Assault
  - f. Arson
  - g. Drug Related
  - h. Petty Theft
  - i. Recurring Prostitution
  - j. Resisting Arrest
  - k. Aggravated Threats / Menacing
  - l. Rape
3. For the following only, substantial involvement in a rehabilitation program for a minimum of six months in addition to successful completion of a rehabilitation program will be required to reconsider an application from withdrawal. CMHA will not house an applicant until the six-month period has passed. a Petty Theft b OMVI c Prostitution
4. For the following only, substantial involvement in a rehabilitation program for an eighteen month period preceding application will be needed to reconsider and application from withdrawal. a Assault b Domestic Violence c Child Endangerment d Aggravated Burglary
5. Persons with convictions cannot be housed without substantiated evidence of active participation in an accredited and/ or recognized program relating to the particular offense within the first six months after conviction or release from incarceration.

D. FORMS OF VERIFICATION

1. Third Party Verification - an agency or Authority (i.e. Police Department) may be utilized to provide CMHA with information required. Other verifications (i.e. landlords, parole officers, etc.) may be required.
  2. Reports of Interviews
  3. Letters
  4. Notes of telephone conversations with reliable sources. The following are the methods by which every applicant's performance relative to housing will be obtained
  5. If CMHA personnel have questions about information received, they may contact the housing provider to obtain reliable and credible documentation
  6. CMHA may elect to utilize an agency to conduct applicant's history checks
  7. CMHA may elect to conduct home visits prior to housing applicants.
  8. CMHA will check detoxification centers to determine whether applicants have substance abuse problems, and whether the applicant's behavior may violate the Housing Authority Lease, House Rules, disturb neighbors, destroy property, or pose a threat to the community including, but not limited to property and persons. Documentation of recent or current use of illegal drugs by an applicant family member will be sufficient grounds for rejection of the application.
- E. An applicant's misrepresentation of any information related to eligibility, award of preference for admission, allowances, family composition or rent.
- F. If, during the course of processing an application, it becomes evident that an applicant has falsified or misrepresented any facts about his/ her current situation, history, or behavior in a manner that would affect eligibility, local preference, selection criteria, allowances or rent the application will be rejected.

*Note: This provision will not be applied to minor mistakes in fact that produce no benefit to the applicant*

## **Exhibit 4 – Verification Procedure**

### **I. Required Verifications**

All of the following items must be verified as described in this exhibit and in accordance with the established Admission & Occupancy Procedures:

#### **A. Eligibility for admission and continued occupancy:**

1. Income, assets, asset income
2. Completion of qualified training program(s)
3. Family Composition
4. Social Security Numbers
5. Birth Certificates
6. Compliance with community service requirement(s)
7. Local Preferences, if any:
8. Families earning less than 30% of median income as adjusted for family size
9. Families earning 30% or more of the median income as adjusted for family size
10. Veterans' status, disabled, and elderly
11. Allowances:
12. Age, disability or handicap of family members
13. Full time student status
14. Childcare costs
15. Handicap expenses
16. Medical costs for elderly families

#### **B. Compliance with Applicant Selection Criteria:**

1. Documented ability and willingness to abide by CMHA lease requirements
2. Previous history of tenancy, rent payment, caring for a home / apartment
3. Criminal activity of any family member
4. Special Needs Housing

### **II. Documenting Applicant/Tenant Eligibility**

A. All of the above information must be documented with the appropriate verification forms and placed in the applicant or tenant file.

B. Only information that is verified within 120 days of the move in month may be used for certification or recertification. Verified information obtained after application intake that is less than 120 days old does not need to be re-verified. Please note that verifications must be within 120 days of the move in date or effective date of recertification.

C. Documentation of the verification process may include:

1. Checklists completed in the interview, signed by the client
2. Verification form completed and signed by third parties
3. Reports of interviews
4. Letters
5. Notes of telephone conversations with reliable sources

6. Tenant Certification
  7. At a minimum, the Occupancy Specialist must record for the case file reports obtained from third parties as a result of telephone conversations indicating the date of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received
- D. Verification Preference There is a designated preference for the sources of verification used to determine applicant and tenant eligibility as follows:
- Verifications received directly from the third party in writing – most acceptable or verified through the UIV system
  - Third party verification obtained from a telephone call, which must be documented in the case file - acceptable
  - Documents provided by the applicant or tenant coming indirectly from a third party, such as pay stubs, OWF, childcare, medical expense after documenting the fact that the verification could not be obtained directly from the third party
  - Affidavits from the family
- E. Prudent Person Concept
1. CMHA staff will use prudent judgment to assess the credibility of any verification submitted by an applicant or tenant. If staff considers documentation to be doubtful, it must be reviewed by the Occupancy Specialist's supervisor will make a determination. Staff will continue to pursue credible documentation/verification until it is obtained or the client is rejected or evicted, whichever applies, for failing to produce the documentation required.
  2. Any information provided by the applicant or tenant that proved to be untrue may be used to disqualify the applicant for admission or continued occupancy on the basis of attempted fraud. CMHA considers false information about the income, assets, family composition, social security numbers, Local Preference(s), allowances, previous tenant history or criminal grounds for rejecting an applicant or for eviction of a tenant. Unwitting errors that do not secure an advantage with regard to program eligibility, preferences, or rent will not be used as a basis for application rejection.
- IV. Sources of Verification
- Credit Check services
  - Family social workers, parole officers, court records, accredited drug treatment centers, clinics, physicians
  - Information supplied by the client at interview or home visit
  - Landlord record services
  - Police departments
  - Present and prior landlords or housing providers
  - Present and prior employers

V. Documentation Issues

- A. Annual income and adjusted income must be computed in accordance with the definitions and procedure established in Federal law and set forth in the Admission & Occupancy Policy.
- B. Each file must be documented to show that CMHA staff diligently attempted to obtain third party written verifications before relying on a lesser acceptable form of verification. If the Third party written documentation is not available, the reason will be documented in the client file.
- C. Verification of Annual Income
  - 1. Projections of annual income are based on the most accurate information with consideration of the current income rate, effective date, and include estimates for each income source in the household / family. At least 4 – 6 or 8-12 consecutive bi-weekly pay stubs are needed to confirm payment
  - 2. Irregular workers will be estimated on the basis of the most accurate information available, with consideration of earning ability and work history.
  - 3. Overtime income is computed in accordance with verification obtained from the employer unless other verification obtained can be considered more reliable or accurate.
  - 4. Persons who work seasonal jobs, such as construction, school employees, etc. may have the income calculated in one of two ways
    - a. The verified income can be annualized i.e. Bi weekly pays multiplied by 26 weeks and the rent based on that total gross. If the rent is calculated in this manner, the tenant is entitled to an interim adjustment at the end of their work season and rent will be increased again at the beginning of the new work season
    - b. The verified income can be calculated based on the number of pay periods worked through the work season i.e. the biweekly pay is multiplied by 18 weeks and the rent based on that total gross. If the rent is calculated in this manner, the tenant **is not** entitled to an interim adjustment at the end of their work season

## **Exhibit 5 – Calculating Applicant/Tenant Rent**

### **I. Determining Total Income**

- A. Secure verification of all sources of income to the household
  - 1. Determine whether it is included or excluded income (Income from certain sources is excluded – see inclusion/exclusion list)
  - 2. Determine if earned income received is excluded if received by a household member under age 18
    - a. When calculating countable earned income, you must determine the most accurate assessment of annual gross earnings therefore the income should include the maximum projected work hours, all overtime, bonuses and commissions that may be received as well as any projected salary increases that will occur during the lease period
    - b. To best assess the income, third party statements from the employer (or the Works or UIV) should list the start date, hourly or other wage, frequency of payment, overtime projected, raises projected to occur during the lease period.
    - c. In lieu of such third party statements, at least six (6) consecutive pay stubs must be obtained
    - d. These pay stubs must include the person's name, social security number gross earnings and year to date earnings
    - e. If the applicant or tenant has been with the same employer since the beginning of the calendar year, you may want to average the year to date earnings to determine a weekly, monthly or other average
    - f. Document the case file to explain how the annual income was determined and why one form of verification was used over another

### **B. Special Verification Steps**

- 1. When looking at ADC and SSI make sure that the amount received is equal to the payment standard
  - a. If the ADC amount received is greater than the payment standard for that family size, the difference reflects the addition of the work allowance which is excluded
  - b. If the ADC amount received is less than the payment standard for that family size, the reason for the difference must be explored and verified
    - 1) Possible reasons for the difference include income from another source, such as employment, SSA, other annuities etc.)

- 2) The difference may also occur as a result of a sanction against the household due to some failure to comply with the self-sufficiency plan. In these cases the total amount of the ADC payment must be counted as income (this is called imputed income)
  - c. If the SSI amount received is less than the current payment standard for a single individual, the reason for the difference must be explored (normally the difference is a result of other income being received, recollection of an outstanding overpayment or a retrospective adjustment to the payment due to income received three (3) months prior in excess of the SSI payment amount)
2. When verifying unearned income, a receipt payment statement from the source must be obtained
  - a. This would include award letters from the source or recent payment histories from the source, which are no more than 120 days old
  - b. Alternate sources which indicate income but cannot verify the amount includes bank or credit union statements reflecting direct deposit from some source (These documents cannot be used to verify the amount of income as they reflect the net payment after required deductions for such things as taxes, medical insurance, etc)
  - c. Determine the amount of income being received from assets, such as stocks, bonds, interest bearing checking or savings amount (The income for assets valued at less than \$5000 is based on the actual interest being paid; income from assets in excess of \$5000 is determined by using either the actual amount or the imputed interest rate, whichever is higher.
- C. Convert the income received to an annual amount by multiplying the average or regular income amounts by the frequency of payment i.e. weekly – 52, bi-weekly – 26, semi monthly – 24, monthly 12
- D. Total all countable income being received by the household and document the file to explain why any income received was not used in the rent calculation

## II. Determining Income Deductions and Exclusions

- A. Earned Income Disregard
  1. Determine whether the household is eligible for consideration of the earned income disregard based on the fact that one of the adult household members is now employed and meets one of the below criteria
    - a. Previous unemployment for the past 12 months
    - b. Underemployment during the preceding 12 months resulting in earnings of less than the equivalent 10 hours per week the federal

minimum wage (currently \$5.15 per hour; or \$2755 per year) earned during the preceding 12-month period from all employment sources

- c. Receipt of ADC or TANF benefits during the preceding 6-month period
  - d. Receipt of PRC benefits in excess of \$500 during the preceding 6-month period
  - e. Participation in a training program for which a training allowance or reimbursement for training related expenses is provided
2. When the answer to any of these questions is yes, additional verification steps must be obtained
- a. Verification of previous unemployment based on work history, UIV, or receipt of unemployment benefits
  - b. Verification of past earnings based on W-2's from all previous employers, information from previous employers, etc.
  - c. Payment record from the Department of Jobs and Family Services of OWF (ADC, TANF) benefits received during the preceding 6 months
  - d. Verification from the Department of Jobs and Family Services of receipt of PRC in excess of \$500.00 during the preceding 6 month period
  - e. Verification of participation in a training program and all work allowances, or training allowances received
  - f. Verification of the countable income received during the preceding 12-month period

**B. Student Earnings**

- 1. Determine the earned income received by an adult student in the household who is not the household head or co head (determinations of the head and co head are made by the household not CMHA)
- 2. Disregard all but \$480 of the earned income being received

**C. Allowable Deductions**

- 1. Secure verification of child care expenses (if any) being paid by a household member for a child age 12 and under
- 2. Secure verification of medical expenses being paid for any household member in households where the head or co head is aged or disabled
  - a. The medical expenses includes: non reimbursed doctor visits and hospitalizations, prescription drugs, over the counter items prescribed by a physician, non reimbursed dental and vision care, home health care, medical insurance, travel to and from medical visits,
  - b. The medical expenses being paid for home care of a disabled household member or apparatus or equipment needed by the disabled/aged person so that a household member can be employed

- c. The medical deduction is the difference between the total annual expenses incurred by the household in a and b above and an amount that is 3% of the total household income after allowable exclusions
3. Give a \$400 deduction to any household containing and aged or disabled household head or co-head (spouse)
4. Give a \$480 dependent deduction for each child under age 18, disabled or aged adult other than the head or co-head in the household; or adult full time student in the household who is not the head or co head of the household (*full time student status usually means the student is carrying a workload of 12 or more credit hours per school term*)

### III. Rent Calculation

- A. Identifying Countable Income
  1. Add all countable income
  2. Subtract all exclusions
  3. Calculate the 3% threshold by multiplying the countable income after exclusions by 3%
  4. Subtract all allowable deductions including medical expenses in excess of 3% of the gross countable income
  5. The total remaining represents the net countable income to the household
- B. Determining Tenant Rent
  1. Since applicants and tenants are not supposed to pay more than 30% of their income for shelter, multiply the amount defined in A5 above by 30% to determine the maximum annual total tenant payment for shelter costs including rent and utilities, (round this number to the nearest whole dollar)
  2. Divide this number by 12 to determine the maximum monthly rent and utility payments the tenant can make, (round this number to the nearest whole dollar)
  3. If the household's income in step B2 above is less than \$50.00 the household is subject a minimum rent charge of \$50.00 Tenants may be given a hardship exemption from the \$50.00 minimum rent based on specific criteria on a case-by-case basis
  4. The utility allowance for the unit based on bedroom size is subtracted from the amount determined in step B2 or B3 above (note that at initial approval of a household for conventional housing prior to sending the file to a community with an available unit, the gross rent charge and subsequent security deposit will be the amount determined in step B2 or B3 above)
  5. If the balance, after subtracting the utility allowance the total tenant payment or the minimum rent is less than zero, the tenant would receive this amount as a utility reimbursement each month equal to this difference

## Exhibit 6 – Earned Income Disregard Procedures

*The United States Department of Housing and Urban Development (HUD) has established regulations to provide incentives to residents to strive toward self-sufficiency. These regulations provide for the use of income disregards so that rents remain the same for extended periods as households adjust to their new circumstances. (Ref.: PIH 98-2, 24CFR 5.603, 24CFR5.609, 24 CFR 5.617, 24CFR 960.255)*

### I. Case Categories

- A. An Earned Income Disregard (EID) is appropriate Disabled families in Section 8 who, on or after October 1, 1999 had a disabled family member residing in their household who is participating in an employment training program and who had an increase in family income as a result of that family member's employment.
  - 1. Household is entitled to an earned income disregard equal to the incremental difference between the household's prior income and their income as a result of their participating in a qualifying training program
  - 2. A total of 100% of the incremental difference in income will be disregarded during the duration of the training program
  
- B. An Earned Income Disregard (EID) is appropriate for all current tenants of public housing and disabled families in Section 8 who, on or after April 1, 1999 had a family member residing in their household who received benefits from Ohio Works First, Temporary Assistance to Needy Families, Aid to Families with Dependent Children, or Prevention, Retention, Contingency in an amount greater than \$500, within six (6) months of becoming employed, and who, on or after October 1, 1999 had an increase in family income (*Note the disabled person must be the person who becomes employed in order to qualify for the income disregard for disabled families*)
  - 1. Household is entitled to an earned income disregard equal to the incremental difference between the household's prior income and their income as a result of the family member's new employment
  - 2. A total of 100% of the incremental difference in income will be disregarded during the first 12 months following employment; and, 50% of the incremental difference during the second 12-month period.
  - 3. The 24 months of disregard cannot exceed 4 years beginning the date of the qualifying employment
  - 4. The monthly entitlement to the disregard need not be consecutive so long as the time from the beginning of subject's first employment does not exceed 4 years
  - 5. The monthly entitlement to the disregard need not be consecutive so long as the time from the beginning of first employment or income increase does not exceed 4 years
  
- D. An Earned Income Disregard (EID) is appropriate for all current tenants of Public Housing and all disabled families on Section 8 who, on or after October 1, 1999, had an increase in family income as a result of employment of a member of the

tenant's family who had been unemployed for one or more years, or underemployed who earned in the previous twelve months no more than would be received for ten hours of work per week for 50 weeks at minimum wage. (currently \$2575.00) *(Note the disabled person must be the person who becomes employed in order to qualify for the income disregard for disabled families)*

1. Household is entitled to an earned income disregard equal to the incremental difference between the household's income prior to employment and its income as a result of the family member's new employment following a 12-month period of unemployment
2. Household is entitled to an earned income disregard equal to the incremental difference between the household's prior income and their new employment income after qualifying unemployment
3. A total of 100% of the incremental difference will be disregarded during the first 12 months following employment; and, 50% of the incremental difference during the second 12-month period
4. The 24 months of disregard cannot exceed 4 years beginning the date of the qualifying employment
5. The monthly entitlement to the disregard need not be consecutive so long as the time from the beginning of subject first employment does not exceed 4 years

**II. Case Identification** At the time a resident presents him or herself to report a change during the interim or annual review processes, the Housing or Occupancy Specialist must evaluate the household for entitlement to an earned income disregard based on the above stated criteria. The following questions may assist in determining if the household is eligible for an Earned Income Disregard

- A. During the period April 1, 1999 through the present, a disabled member of a disabled household participating in a self sufficiency program
- B. October 1, 1999 a household member (including disabled household members in Section 8 disabled families) was unemployed due to a layoff for less than 12 months and plans to return to the same job? **In this case they are not eligible for an earned income disregard based upon reemployment?**
- C. Beginning October 1, 1999 a household member (including disabled household members in Section 8 disabled families) was unemployed for 12 months or more and became employed. **The household would be eligible for a 100% earned income disregard for 12 months and a 50% earned income disregard for 12 months**
- D. Beginning October 1, 1999 a household member (including disabled household members in Section 8 disabled families) was underemployed and earned less than the annual equivalent of 10 hours per week for 50 weeks at federal minimum wage (currently this would amount to \$2575) and became employed, the **household would be eligible for a 100% earned income disregard for 12 months and a 50% earned income disregard for 12 months**
- E. Did the household (including disabled household members in Section 8 disabled families) receive any TANF (OWF, PRC, etc) benefits of more than

\$500.00 in the six  
(6) months prior to moving to new employment. ***The household would be eligible for a 100% earned income disregard for 12 months and a 50% earned income disregard for 12 months***

### III. Case Processing

#### A. Worker Responsibilities

1. If the answer to any of these questions results in the possibility of the family being eligible for an earned income disregard, the Housing or Occupancy Specialist must identify verification items, which substantiate the household's claim, such as:
  - a. Income tax records for the preceding year showing all the income
  - b. Verification of income from OWF or PRC assistance received from the County Department of Jobs and Family Services
  - c. Verification of unemployment or underemployment for the preceding 12 months or more
  - d. Verification of all income received during the preceding 12-month period including: loans, gifts from friends or family, Child Support, BUC, DA etc.
2. Secure all necessary verification obtained to substantiate the Earned Income Disregard
3. Identify the basis (this should be the amount of income attributable to the newly employed household member used to determine the household's rent for the month immediately prior to the new employment or increased wages and is listed as the gross income on the tenant accounting worksheet. (This is referred to as the basis) ***Note: for some household members, there is a zero basis as there was no income attributable to them in the month prior to this new employment or increased wages***
4. Calculate tenant's total future income from employment and any other sources (see examples in Appendix 2)
5. Subtract the appropriate basis from the projected future income to determine the *incremental* increase (this is the excluded income amount)
6. Subtract this amount from the total projected income to determine the disregard (***Note that during the second 12-month period, only ½ of the incremental difference is used as an income disregard***)
7. Identify and apply all allowable deductions
8. Determine whether the household is in the first 12 months or the second 12 months of EID eligibility
9. Determine the number of months remaining of the first or second year of disregard entitlement
10. Update CCS (and RTS) to reflect the new income, disregard amounts, and deductions (gross rent and utility allowance are calculated and input by CCS) adjusting the annual review date to correspond with the 12-month EID eligibility periods

11. Record in the "Notes" section the tenant's EID eligibility and when adjustments need to be made based on continued employment.
12. Complete and send a notice to the tenant explaining the EID process, the basis of the rent calculation and the tenant's full hearing rights
13. Prepare a tickler to keep track of when adjustments must be made for each household eligible for EID to track the entitlement of all appropriate household members which includes:
  - a. The tenant's identifying information (name, client number, tenant number)
  - b. The beginning date of EID eligibility
  - c. The 4-year end date of EID entitlement based on the determined beginning date of EID use
  - d. The end date of EID eligibility based upon changes in household circumstances
  - e. The number of months of phase 1 (the first 12 months) EID eligibility used
  - f. The number of months of phase 2 (the second 12 months) EID eligibility used
  - g. The final end date of EID eligibility

***Note: as household members qualify for EID their basis and entitlement periods must be tracked to ensure that adjustments are made appropriately.***

14. Give the package to the appropriate supervisor for review and approval

#### **IV. Routine Case Processing**

- A. At the time the tenant who had previously been identified as an EID case reports a change in circumstances that affects the future rent, the Housing or Occupancy Specialist will:
  1. Pull and review the existing file to identify all changes, which need to be addressed
  2. Determine whether the change in circumstances will affect the earned income disregard calculation
  3. Gather all required verification to make the adjustment including such items as pay verification, employment termination notices, BUC claim information, OWF notices, etc. (RTS has been reprogrammed to include income verification requests automatically when the tenant says that they have received OWF or PRC, are employed or self employed, or are participating in a training program or other self sufficiency program)
  4. Rent Adjustments
    - a. If the change will result in a decrease in rent, the Occupancy Specialist will calculate the new rent amounts and make the adjustments in CCS effective the month following the month the tenant reported the change

**Note: If the change involved the EID eligible household member, the EID entitlement months are suspended. The maximum 48-month entitlement period continues to roll**

- b. If the change will result in an increase in rent, the Specialist calculates the new rent, utilizing the new appropriate income amounts to determine the exclusion amount, and the effective date of the change allowing the tenant a full thirty day notice period

**Note: Once the EID entitlement period begins, the basis remains the same throughout the entire entitlement period – up to 4 years**

- c. The Specialist will forward the package to the Supervisor for review and processing

**B. Supervisory Responsibilities**

- 1. The supervisor will review the materials received from the worker for completeness and correctness
- 2. The supervisor will check the tickler to determine how many months of EID eligibility remain in either phase I or phase II and of the maximum 48 month entitlement period
- 3. The supervisor will confirm the effective date of the change based on when the change was reported

**V. Control and Monitoring**

**A. Initial Tickler Creation**

- 1. At the time the Housing or Occupancy Specialist completes an interview with a household who potentially has EID eligibility based on the criteria in Section I above, will generate an EID tickler for future reference
- 2. The supervisor will review the package to ensure that the household has EID eligibility and the correct effective date(s) of the income disregard(s) have been used and will annotate the tickler to reflect entitlement periods
- 3. If the file needs to be corrected, the supervisor will return the package to the Specialist for correction and post on the Exhibit E form pending actions
- 4. Upon receipt of the corrected file the supervisor will review the materials received from the worker for completeness and correctness
- 5. The supervisor will check the tickler to determine how many months of EID eligibility remain in either phase I or phase II and when follow up action will be required
- 6. Update CCS (and RTS) to reflect the new income, disregard amounts, and deductions (gross rent and utility allowance are calculated and input by CCS)
- 7. Update tickler to reflect changes in household circumstances
- 8. Send a notice to the tenant identifying the new rent amounts, the basis of the rent calculation and the tenant's full hearing rights

**B. Control File Update**

1. As changes occur in EID eligible household, the Occupancy Specialist will complete the change in accordance to the procedures outlined in IV A above
2. Deliver the file and the new action to the supervisor for review
3. The supervisor will review the file as defined in steps IV B above
4. The supervisor will update the Earned Income Disregard Exhibit E summary form and return it to the file
5. Forward the package to the manager to update the tickler file

## **Exhibit 7 – Minimum Rent Hardship Procedures**

- A. Minimum Rent Hardships must be verifiable as being of a long-term basis. Proper verification of resident claims is required.
- B. The family has lost eligibility for or is pending eligibility for a Federal, State, or locally funded Training and/ or Assistance Program; the client must document the following in order to initiate the Special Review:
  - 1. Documentation of the reason Training and/ or Assistance was terminated
  - 2. Documentation of the type of funding (Federal, State, or Local Government) for the Training and/ or Assistance Program
  - 3. Documentation of the application date and time frame allotted to process the application for Training and/ or Assistance Program
  - 4. If the eligibility was terminated or application for training and/or assistance was denied:
    - a. the initial determination made by the third party will be considered
    - b. non-compliance determinations will not be considered
    - c. determinations indicating that the individual is capable of working will not be considered
- C. The family may be evicted as a result of the imposition of the \$50 minimum rent requirement; the client must document the following in order to initiate the Special Review:
  - 1. **Documentation of monthly living expenses**
  - 2. **Copies of current utility bills including phone and cable service**
  - 3. **Documentation of how rent was paid for the past 6 months**
  - 4. **Documentation of application for employment, training, and/ or assistance**
- D. The income of the PHA resident family has decreased due to a change in circumstance as it relates to family composition or loss of income; the client must document the following in order to initiate the Special Review:
  - 1. Documentation of the reason for termination or loss of income
  - 2. Documentation of application for employment, training, and/ or assistance
  - 3. Documentation of the change in family composition
- E. A death in the PHA family has occurred; the client must document the following in order to initiate the Special Review:
  - 1. Documentation of the death that occurred
  - 2. Documentation of the loss of income and/ or expenses incurred as a result thereof
  - 3. Documentation of application for employment, training, and/ or assistance.
- F. Once the above procedures have been followed, the Hardship Review will be forwarded to the designee for review and determination. Failure to submit all information will result in a denial of the request.
- G. The Hardship status of a resident will be redetermined annually at minimum. All changes in resident's income status must be reported to the Property Manager.

## Exhibit 8 – Community Service

- I. Policy Statement and Governance Under Section 12 of the United States Housing Act of 1937, adult residents (18 and older) of designated Public Housing communities are required to perform eight (8) hours of community service each month; participate in 8 hours of training, counseling, classes or other activities each month that help the individual toward self sufficiency and economic independence; or a combination of both to maintain eligibility to reside in public housing unless the tenant is otherwise exempt. In order to implement this requirement, CMHA proposes to adopt the following policy to comply with this requirement.
- II. CMHA Policy
  - A. General Requirements
    1. Each adult member of the resident household in a low-income public housing  
*(Note: the limitation of this requirement to residents of Hope VI communities was repealed by PIH 2003-17 issued 6/20/03)* must contribute eight hours per month of community service, excluding political activities, or participate in an economic self-sufficiency program unless he or she is exempt for one of the following reasons:
      - a. Household member is 62 years or older
      - b. Household member is blind or disabled
      - c. Household member is the primary care giver for someone who is blind or disabled living in the household
      - d. Household member is engaged in employment at least 30 hours per week
      - e. Household member is enrolled in any state or local college or accredited vocational school at least 30 hours per week
      - f. Household member is receiving assistance under a State program funded under Part A, Title IV of the Social Security Act or any other State welfare program; **and** participating in a self sufficiency program including, welfare to work; and are in compliance with that program.
    2. Allowable Activities  
CMHA has identified public housing communities, social service agencies, local schools, and the Human Services Office, which may have volunteer, community service, self-sufficiency programs available, including:
      - a. Community Service Programs
        - (1) Work at a local institution such as a school, childcare center, hospital, hospice, recreation or senior center, adult day care center or homeless shelter
        - (2) Work with non-profit organizations that serve CMHA's communities

- (3) Help with children's or adults' programs conducted at the community,
    - (4) Work through the Resident Council to help other residents with problems, or as an officer of the Resident Council
    - (5) Provide childcare for other households so that they may complete their community service/self sufficiency activities
  - b. Self Sufficiency Programs
    - (1) Job readiness programs
    - (2) Job training programs
    - (3) GED Classes
    - (4) Substance abuse or mental health counseling
    - (5) English as a Second Language (ESL) classes
    - (6) Apprenticeships
    - (7) Budgeting and credit counseling
    - (8) Full time student status at any school, college or vocational school
    - (9) Any kind of class that helps a person move toward economic independence
  - c. Furthermore, CMHA may create volunteer positions such as hall monitoring, litter patrols, block watch, assistance to seniors in the community, or other positions that provide a benefit to the community.
- 3. Property Manager will routinely confirm the tenant's participation in established community service/self sufficiency activity
- 4. Property Manager will notify the resident family of failure to comply with the community service requirement and right to the resident grievance procedure [24CFR§966B]. If a determination of noncompliance with the community service requirement is made, the household must enter into an agreement to comply and comply, or the lease will be terminated.
- 5. Property Manager will offer the resident family with non-compliant members the opportunity to enter into an agreement prior to the date of next reexamination to correct this deficiency. This includes agreement to enter into an economic self-sufficiency program and/ or contribution of community service hours required to fulfill said requirements. The duration of the agreement will occur over the next twelve-month period beginning on the date of reexamination, Designated household members must remain in compliance with current year requirements. Failure to comply with the agreement will result in the HA taking action to terminate the lease.

### III. III. Procedural Steps

#### A. Initial Identification

- 1. At the time of lease execution, the Property Manager will review all required move in documents for the new tenant's signature
- 2. Secure updated verification, as needed to complete an adjustment to the

- tenant's rent
  - 3. Explain the Community Services Program and provide the tenant with a written summary of the program, exemptions, and its requirements
  - 4. Identify household members who are exempt from participation as defined in Section 1 a – f above
  - 5. Secure the tenant's signature on a certification of agreement to comply with the requirements of the Community Service Program
- B. Tenant assignment
  - 1. The community Property Manager will identify for the tenant the specific work activity that must be performed to comply with the Community Service requirements
  - 2. The community Property Manager will review annually assignments and attendance records to ensure that the tenant is meeting the Community Service requirement
  - 3. CMHA will contact all tenants who have failed to meet their monthly obligation to review the consequences of such actions in July of the preceding year.
  - 4. The Community Property Manager will secure the tenant's agreement to comply with their assignment requirements during the current year as well as the year beginning with their next annual review
  - 5. If the Community Property Manager finds at the next annual review that the family is still not complying with the Community Service requirements, the lease will not be renewed and the entire family will have to vacate, unless the noncompliant member(s) move(s) out. The tenants may use the full grievance processes to protest the termination of the lease for noncompliance with the Community Service Requirements
- C. Admissions and Continued Occupancy Ongoing Tenant Identification
  - 1. At the time a resident is in the office to complete an interim or annual review, the Occupancy Specialist will review with all adult household members the Community Service requirements
  - 2. The Occupancy Specialist will identify all mandatory participants and advise persons claiming exemptions what verifications are required to confirm their exemption status
  - 3. The Occupancy Specialist will provide the adult household members with copies of the general notification letter and the list of exemptions
  - 4. Upon the completion of the review, the Occupancy Specialist will note in CCS the eligibility decision and any relevant information regarding Community Service for adults in the household.
- D. The Community Property Management Staff will follow up with required tenants as spelled out in II A and B above.

## **Exhibit 9 – Annual Review Procedures**

### **I. Case Identification**

- A. On approximately the 15<sup>th</sup> day of each month, the Admissions and Occupancy Supervisors shall create lists of households due for review by accessing the Management section of PHAMS
  - 1. The supervisor accesses the “supervision” screen
  - 2. The supervisor accesses the “Create Annual Reviews”
  - 3. Supervisor selects the appropriate month
  - 4. PHAMS then generates a listing of households due
- B. Occupancy Specialist’s Responsibilities
  - 1. The Occupancy Specialist accesses the “Scheduling Reviews” screen of PHAMS via the Processing, maintenance, scheduling, and schedule reviews menu items
  - 2. The Occupancy Specialist enters the tracking number for the household
  - 3. The Occupancy Specialist enters the tenant’s name in the appropriate field and the date and time of the scheduled recertification interview
  - 4. The Occupancy Specialist schedules the tenant in for a complete interview

### **II. Re-certification Interview Activities**

- 1. The Occupancy Specialist conducts an interactive interview via the Recertification Tracking System (PHAMS) to secure information regarding all eligibility factors including
  - 1. Family size/composition including name, age gender and relationship of all hh members
  - 2. Income and assets of all hh members
  - 3. SSN for all hh members
  - 4. Full time student status
  - 5. Total medical expenses
  - 6. Child care expenses
  - 7. Disability assistance expenses
  - 8. Reason for requesting a larger unit than applicable based on hh size
  - 9. Citizenship
  - 10. Preference status
  - 11. Income status
  - 12. Address and telephone number
  - 13. Disability of any family member
  - 14. Review the Community Service Requirements for all adult household members
  - 15. Suitability of all adult household members as confirmed by information from *Court View* and/or the *Ohio Offenders search engines*

- B. The Occupancy Specialist identifies all needed verification, and:
  1. Secures all adult tenant(s)' signatures on all forms and documents used to secure information from third parties.
  2. Collects verification the tenant brings to the interview, records information in PHAMS regarding the items received during the interview and makes copies of documents as appropriate for inclusion in the recertification package
  3. Identifies sources of third party verification and generates the needed letters via the computer system to those sources for information
  4. Provides tenant with a written list of needed verification on a "Needs More" letter (CMHA 2804) with the deadline for the submission of identified items (tenants have 20 calendar days to return the requested verification before a second request is sent)
3. Follow Up
  1. Sends tenant a second "Needs More letter"(CMHA 2804)" if all items are not received within 20 days of the mailing of the first "Needmore" letter generated by PHAMS. If all information is not received within the allowed time frames, the Occupancy Specialist will propose to terminate tenant's lease.
  2. The Occupancy Specialist will access the Public Housing Application menu of PHAMS to reflect proposed termination of benefits and generate appropriate notices to the tenant and the Property Manager regarding future subsidy payments.
  3. The Occupancy Specialist will then enter the information into PHAMS
  4. Upon receipt of all required verification, the Occupancy Specialist checks PHAMS to confirm that all system requirements have been met
  5. The Occupancy Specialist then makes a determination of continued eligibility and calculates tenant payment utilizing the Income Calculation Worksheet
  6. The Occupancy Specialist enters all required information into PHAMS to update that system and then updates PHAMS to reflect completion of the recertification process
  7. As appropriate, the Occupancy Specialist assigns minimum rent to zero income hh or flat rents to households who so elect to use flat rents
  8. The Occupancy Specialist prepares and generates all appropriate notices via the computer, reflecting the case disposition
  9. The Occupancy Specialist gives the completed package to the supervisor for review and action
4. Supervisory Responsibilities
  1. The Admissions and Occupancy Supervisor reviews the completed package received from the Occupancy Specialist for accuracy and completeness. The package will be rejected back to the clerk if errors or inconsistencies exist
  2. If correct, the Admissions and Occupancy Supervisor mails notices for all appropriate parties advising of the final disposition on the case

3. Case Routing
  - a. If the application is approved, a copy of the application package is made, and the original package is sent to the designated Property Manager for leasing
  - b. If the application is denied, the package is filed in the "Rejected/Withdrawal" file
- E. Upon completion of any second party review by the supervisor, the Occupancy Specialist files the completed package in the tenant file

## Exhibit 10 – Public Housing Interim Review Procedure

### I. General Procedures

- A. An interim review will be required when:
  - 1. The Occupancy Specialist cannot accurately project an annual income due to frequent short-term employments or other changes in circumstances
  - 2. The tenant submitted false, incomplete or inaccurate information at their last review
  - 3. When changes occur involving income, expenses or household composition
  - 4. Additional information not provided prior to move in is requested
- B. **Reporting/Scheduling Requirement**
  - 1. Changes in a subsidized household involving income, expenses or household composition must be reported to the community manager **within 10 working days of their occurrence.**
  - 2. In situation number 3, the family will be scheduled for interim review immediately upon discovery of stated circumstances.
  - 4. Zero incomes will first be reviewed in EIV every 180 days for income verifications. Those zero incomes displaying income will be scheduled for interim interviews.
- C. **Processing Standards**
  - 1. Changes resulting in decreases in tenant rent reported timely shall be effective the first day of the month following the reporting of the change
  - 2. Changes resulting in increases in tenant rent reported timely shall be effective the first day of the month following the 30-day notice period.
  - 3. Changes resulting in increases in tenant rent reported timely shall be effective the first of the month following the completion of all case verification and processing (**NOTE: cases not reported timely are not eligible for retroactive benefits back to the first of the month following the date of change.**)
  - 4. Changes resulting in tenant rent increases not reported timely should be effective the first of the second month following the change regardless of when the change was reported. These processing standards apply even if CMHA is **also** untimely in its processing of the case

### 2. Initial Processing Activities

- A. **Applicant/ Tenant's Responsibilities**
  - 1. The applicant/tenant must report all changes in income, assets and family composition within 10 days of the change's occurrence
  - 2. If due to holidays and/or week-ends the change cannot be reported before the end of the month in which the change occurred, the change will be considered reported timely if the change is reported within the first ten (10) calendar days following the month in which the change occurred
  - 3. Families who are granted an interim rent reduction due to zero income will be advised that they are required to report any increases in household

- income within ten days of the occurrence.
4. Changes in family composition must be reported within ten days of the occurrence. Except for natural births, no additions to the household may be made without prior written approval of the CMHA.
5. Any adult wishing to be added to an existing household will be treated as an applicant and be assessed for income eligibility and suitability

**B. Community Manager's Role**

**1. Instant Interims**

- a. At move in, the Community management will review the move in package with the prospective tenant and identify any new or additional information the applicant needs to submit to update the existing file if a change has occurred or to supplement the existing file
- b. Should the verification of income, assets and family composition be approaching the 120-day limit, the community will process the move in and do an "instant interim".
- c. The Community management will complete the Interim Request form (CMHA 2373) and secure all necessary verification from the tenant to substantiate the change.
- d. These instant interims will be labeled "New Move In-Interim Change" on the Interim Review Form (CMHA 2373), and need to be expedited by Admissions and Occupancy upon receipt.
- e. The Community management will send these documents to the assigned worker for that community via their supervisors to complete the interim so that the rent can be adjusted effective the next month.

**2. Routine Changes**

- a. The tenant will contact the Community management to report a change in circumstances as described in I A 1. above
- b. The Community management will review with the /tenant the nature of the change and it's duration
- c. The Community management will advise the tenant of the types of information needed to substantiate the reported change

**3. Community Management Action Steps**

- a. The community management will complete an Interim Review Form (CMHA 2373) reflecting the reported change, and the management's decision to schedule an appointment for the interim
- b. Discuss the Community Service Requirements with the adult household members and the ramifications of failing to comply if required
- c. The Community Manager will advise the tenant that no action can be taken for any changes of a temporary nature expected to last 30 days or less
  - (1) If the change is of longer duration, will secure from the tenant verification available to substantiate the reported change

- (2) If the change warrants a review by the Occupancy Specialist, will record the appointment time on the request form; identify verification/documentation needed, secure copies of all available verification/documentation to substantiate the request
- (3) If the change is expected to last 30 days or less or resulted from reduction or termination of OWF benefits due to failure to comply with the self sufficiency requirements, the Community Management will advise the applicant/tenant that no interim adjustment to the rent will be made
- (4) Record the disposition of the Interim Review request of the request form:
  - d. The Community Management will contact the Occupancy Specialist to arrange for an appointment for the tenant to be interviewed
  - e. Advise the tenant that the request for an interim review will be sent to the assigned Occupancy Specialist for follow up
  - f. Attach copies of the verification/documentation to the request form and send it to the assigned Occupancy specialist via the A and O Manager
  - g. Give the tenant a copy of the request form reflecting any additional information needed and the appointment time with the worker
  - h. Retain a copy of the request as a tickler for action by the Occupancy Specialist and receipt of a copy of the action taken.

*Note: Only the items changed from the most recent review need to be re-verified*

### **III. Admissions and Occupancy Activities**

#### **A. A and O Screening**

1. Upon receipt of the Interim Review Request, will check file to determine possible impact of the change on the household and whether other actions are needed or due i.e. the tenant is due in for a regular review that has been or shortly will be scheduled.
2. Print a copy of the Tenant Accounting Worksheet to use as a guide when conducting the interview

#### **B. Tenant Interview**

1. When the tenant comes in, the Occupancy Specialist will conduct an interview with the tenant to get complete information regarding the change and to update the case file (both hard copy and computer file) to reflect the change

- a. The Occupancy Specialist will
    - (1) Conduct an interview with the tenant(s) and identify any additional verification still needed to process the change
    - (2) Evaluate the tenant's potential eligibility for any income exclusion or disregard
    - (3) Indicate that the verification must be returned within 10 calendar days or the action will be deemed untimely
    - (4) Annotate the Tenant Accounting Worksheet to reflect the changes the applicant/tenant reported during the interview and have the applicant/tenant sign the form attesting to the validity of the reported change information
  - b. Upon receipt of the verification, the Occupancy Specialist will
    - (1) Recalculate the rent based upon the new information provided using the Income Calculation worksheet
    - (2) Determine whether there are any credits or retro charges associated with the change due to untimely reporting or verification
    - (3) If the change results in a decrease in rent, update CCS to reflect the new rent amount and the appropriate effective date of the change.
  - c. If the tenant fails to provide all required verification, the Occupancy Specialist will:
    - (1) If the reported change had resulted in a decrease in rent, process the action as a withdrawal due to the tenant's failure to complete the review process therefore no change in rent would occur
    - (2) If the reported change would have resulted in an increase in rent, process the change based on the information provided and makes the change effective the first month after processing
  - d. Update the notes in CCS and the case file to reflect final disposition on the reported change
2. The Occupancy Specialist will send notification to the tenant of:
    - a. The action taken and the effective date of the action taken if the change was processed
    - b. The denial of the action due to the tenant's failure to provide required verification,
    - c. Their rights to all hearing steps
  3. The Occupancy Specialist will complete a manager's package consisting of the following and send it to the community for their files
    - a. A copy of the Certification Checklist
    - b. A copy of the revised budget worksheet and Tenant Accounting Worksheet reflecting the change has been processed through CCS
    - c. An annotated copy of the Interim Review form
    - d. The annotated Tenant Accounting Worksheet the tenant signed at the interview

- e. Copies of verification substantiating the action or inaction
- f. Copies of all notification letters sent to the tenant or on their behalf as part of the verification process
- 4. The Occupancy Specialist will give the completed package to the supervisor for review and correction as needed
- 5. Upon Supervisory approval, the Occupancy Specialist will make a file copy of the Manager's package for inclusion in the Central Office files and send the Manager's package to the appropriate community for inclusion in the community file

*Note: In instances where verified information show that families paid a lower rent than they should have, due to fraud, misrepresentation or concealment of relevant information, rent will be re-computed and will be retroactively charged for such periods.*

#### IV. Processing Standards

##### A. Procedures When the Change is reported in a Timely Manner

- 1. The Specialist will notify the family in their monthly rent payment as follows:
  - a. The family will be given a 30-day notice prior to the first of the month for a rent increase. Increases in the tenant rent are to be made effective on the first of the month at least thirty days after the mailing of the notice
  - b. Decreases in the tenant rent are to be made effective the first of the month following the change. However, no downward rent adjustments are to be processed until all the facts have been verified, even if a retroactive adjustment results.
  - c. The change may be based on the documentation the tenant brought with them to the interview, followed up by the third party verification sent to the third party. Verbal confirmation by the tenant will not be acceptable.
- 2. Procedures when the Change Is Not Reported in a Timely Manner
  - a. If the family does not report the change by the end of the month in which the change occurred, or within the 10-day grace period, the family will be considered untimely in their reporting of the change
    - (1) **Increased Tenant Rent:** The change will be effective retroactive to the first of the month following the month in which the misrepresentation occurred.
    - (2) **Decreased Tenant Rent:** The change will be effective on the first of the month following completion of processing by CMHA and no retroactive credit will be issued

*Note. Deviation from normal effective dates is justified because of the tenant's failure to supply the required report.*

- b. The calculation methodology is the same even if there was change three or four years ago that the tenant did not report and should have. The change is retroactive to the original date even if

they have been changing jobs every six months and have not reported their job income at reexamination, as long as the family's change was made after the family became a participant. A history must be established to determine how much money the tenant owes CMHA.

3. Procedures When the Change Is Not Processed by CMHA in a Timely Manner
  - a. Timely processing is defined as the effective that would have been appropriate for the either the increase or decrease in rent
    1. If the rent is to increase, the effective date is no earlier than the first of the month at least 30 days following the mailing of the notice to the tenant
    2. If the rent is to decrease, the effective date is no later than the first of the month following the month in which the change was reported if the tenant reported timely, or all verification was provided if the tenant did not report or provide verification timely
  - b. If changes are not processed by CMHA staff in a timely manner as defined above, an increase will be effective on the first of the month at least 30 days after the notice is sent, regardless of when the tenant reported
  - c. If the change resulted in a decrease, an overpayment by the tenant will be calculated retroactively to the date it should have been effective and a credit issued to tenant check will be sent to the tenant.

*Note: residents that take work to obtain the deferral of income and have a pattern of employment termination without good cause to avoid being employed at the next regular reexamination will be considered as misrepresenting the facts and subject to retroactive increases*

## **Exhibit 11 – West V. Bradley Agreement – 2001**

This agreement is executed by and between the Columbus Metropolitan Housing Authority (hereinafter “CMHA”) and the Legal Aid Society of Columbus (hereinafter “LASC”).

WHEREAS, CMHA and LASC, as counsel representing plaintiff residents in CMHA public housing programs, entered into an Agreement in 1981 in settlement of litigation then pending before the United States District Court for the Southern District of Ohio (*West, et. al. v. Bradley, et. al.*, Case No. C-2-81-110); and

WHEREAS, the parties, but mutual consent, modified the Agreement in 1994, and entered into a new agreement, such agreement having entirely superseded the 1981 agreement; and

WHEREAS, CMHA and LASC have mutually reviewed the CMHA application policies and desire to substitute this restated agreement of the parties for the former 1994 agreement;

Now, therefore, the parties agree as follows:

### **§ 1. CMHA Admissions Policy**

CMHA will comply with the provisions set forth below regarding admissions procedures and shall amend its “Admissions and Occupancy Policy” to conform to these provisions, provided that the provisions set forth below will govern CMHA’s admissions policies and procedures if any conflict should exist between the provisions set forth below and CMHA’s Admission and Occupancy Policy.

2. An applicant for CMHA housing shall be placed on the waiting list for CMHA public or low rent housing within 60 days of initial written application, provided the application is completed, and provided applications are being accepted. An initial application is complete once all parts of the written application are filled out. An applicant shall be housed in accordance with CMHA preference policies and otherwise in order of application.
3. CMHA shall request required verification from third parties within such time as is necessary to meet the 90 day time limit described in this paragraph. If a third party fails to provide necessary verification within a reasonable time, CMHA shall allow the applicant an opportunity to provide alternative documentation. An application shall be considered to be rejected if required verification is not provided within 90 days of the applicant being called off the waiting list, unless CMHA and the applicant otherwise agree.
4. CMHA shall provide a timely written notice of denial to every applicant for CMHA public housing whose application is rejected, withdrawn or otherwise disapproved at any point in the application process. Such notice shall contain the reason for the denial, instructions on how to grieve such denial, including the address to which such grievance shall be sent, and a summary of the applicant’s grievance rights under CMHA’s Grievance Policy. The notice of rejection shall be mailed to the applicant’s last known address
5. An applicant for CMHA housing may grieve the rejection of his or her application within

30 days of the date the notice of rejection is mailed. The applicant may grieve rejection of an application by delivering or mailing a written grievance request to the address specified on the notice of rejection. A grievance request postmarked or CMHA date and time stamped on or before the thirtieth day following the date of mailing of the rejection shall be considered to be timely submitted. A grievance request postmarked or CMHA date and time stamped on or before the thirtieth day following the postmark date on the mailing envelope of the notice of reject shall also be considered to be timely submitted if, and only if, the applicant can produce the envelop in which the notice of rejection was mailed. No special words are required to be specified in a grievance request. CMHA may provide a grievance form to a rejected applicant as a matter of convenience, provided that an applicant shall not be required to use the form to make a grievance request.

6. An applicant who has timely grieved the denial of his or her application for CMHA housing shall be entitled to the full grievance rights of a CMHA resident.

## § 2. Modification

This Agreement shall be subject to all existing or future statues, regulations, handbooks and directives, federal or otherwise, regarding the subject of this agreement, and all administrative or judicial application or interpretation of such statues, regulations, handbooks and directives, provided that CMHA shall comply with the provisions herein unless otherwise mandated by superseding law.

## § 3. Prior Agreements

This Agreement supersedes all prior agreements between the parties related to *West v. Bradley*, including the 1994 Agreement, and constituted the entire agreement between the parties regarding CMHA admission procedures.

## § 4. Review

The parties agree to review this agreement within two (2) years of the date of signing.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

COLUMBUS METROPOLITAN HOUSING AUTHORITY

By Dennis Guest

Dennis Guest, Executive Director

9-28-01

THE LEGAL AID SOCIETY OF COLUMBUS

By Marcia L. Brehmer

Marcia Brehmer, Executive Director

9-28-01

*West v. Bradley Agreement – 2001*

## **Exhibit 12 – Informal Settlement Conference**

### **I. Grounds for an Informal Settlement Conference**

- A. In accordance with 24 CFR § 966.51, Applicants and/or Tenants have the right to request an Informal Settlement Conference for any action, inaction or charges applied by CMHA with the following expectations:

Because HUD has issued a due process determination that the law of the State of Ohio requires that Tenant be given the opportunity for a hearing in court which provides the basic elements of due process (as defined hereinafter) before eviction from the dwelling unit, the Grievance Procedure will not be applicable to any termination of tenancy or eviction that involves:

1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of CMHA property of other residents or employees of CMHA, or
  2. Any drug-related criminal activity on or near CMHA property.
  3. Disputes over the amount of rent due under the lease for the leased premises.
  4. Charges levied by the HA due to damages to CMHA property allegedly caused by the Resident or Resident household members, guests, invitee; and
  5. Conditions in the Resident's dwelling unit and/ or the need for repairs.
- B. CMHA's Grievance Procedure will not be applicable to disputes between Residents not involving CMHA or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of Residents and CMHA's Board of commissioners.
- C. CMHA's Grievance Procedure will not be applicable to disputes arising from CMHA's denial of an Applicant's request for a Local Preference (24 CFR § 960.211 (k)).

### **II. Procedural Steps**

#### **A. Applicants**

##### **1. Notice Requirements – Applicants**

- a. The applicant will receive a notice from CMHA at the time a decision regarding his or her application for Public Housing
- b. The notice will spell out the decision rendered, the reason for that decision and the applicant's right to an informal grievance by returning a request for an informal hearing to the Manager of Admissions and Occupancy within 30 days of the date of the notice letter.

##### **2. Applicant's Action**

- a. If the applicant disagrees with the decision rendered by CMHA regarding their application for housing, they will send their request for an Informal Settlement Conference with the Admissions and Occupancy Manager either in writing or in person
- b. The applicant must make their request no later than 30 days from the date of the original decision notice

### 3. Manager's Actions

- a. Upon receipt of the request for an Informal Settlement Conference, it will be time and date stamped to document time and date of receipt
- b. The request will be forwarded to the Admissions and Occupancy Manager
- c. The Admissions and Occupancy Manager reviews the request to determine whether it is appropriate for an Informal Settlement Conference as described in I.A above
- d. If the request is valid, the A and O Manager will schedule the Informal Conference to occur within 15 days of the request and send a notice to the applicant's last known address scheduling the conference
- e. At the time that the Informal Settlement Conference is occurring, all parties present will identify themselves and their role in this process and provide identification confirming their role/relationship to the complainant
- f. During the conference the Manager will go over with the applicant the reason for the decision and obtain any documentation or verification, which would substantiate the applicant's claim that the application should not have been withdrawn
- g. The Manager will prepare a summary of the Informal Settlement Conference using the form depicted in (Addendum 3) recording the disposition of the conference and attach a copy of the Applicant/Tenant Formal Grievance Hearing request form (Addendum 4)
  - (1) If the original decision is upheld, the applicant is advised of this and the fact that they are still entitled to a Formal Grievance Conference if they so choose. The original decision will remain pending the outcome of any formal grievance or other legal action
  - (2) If the applicant's claim is upheld, the A and O Manager will have the application reinstated and a new disposition made regarding his or her application for public housing

### B. Tenants

1. Notice Requirements
  - a. The tenant will receive a notice from CMHA at the time a change in benefits or assessment of charges against the tenant for maintenance fees/damages
  - b. The notice will spell out the action taken, the reason for that decision and the tenant's right to an informal grievance by returning a request for an informal hearing to Community Property Manager within 30 days of the date of the notice letter.
2. Tenant's Action
  - a. If the tenant disagrees with the decision rendered by CMHA regarding their application for housing, they will send their request for an Informal Settlement Conference with the Community Property Manager either in writing or in person
  - b. The tenant must make their request no later than 30 days from the date of the original decision notice

3. Manager's Actions
  - a. Upon receipt of the request for an Informal Settlement Conference, it will be time and date stamped to document time and date of receipt
  - b. The request is directed to the Community Property Manager
  - c. The Community Property Manager reviews the request to determine whether it is appropriate for an Informal Settlement Conference as described in I.A above
  - d. If the request is valid, the Community Property Manager will schedule the Informal Conference to occur within 10 days of the request and send a notice to the tenant advising him or her of the scheduled appointment
  - e. At the time that the Informal Settlement Conference is occurring, all parties present will identify themselves and their role in this process and provide identification confirming their role/relationship to the complainant
  - f. During the conference the Manager will go over with the tenant the reason for the decision and obtain any documentation or verification which would substantiate the tenant's claim that the disputed action should not be taken
  - g. The Manager will prepare a summary of the Informal Settlement Conference using the form depicted in (Addendum 3) recording the disposition of the conference and attach a copy of the Applicant/Tenant Formal Grievance Hearing request form (Addendum 4)
    - 3.3.1 If the original decision is upheld, the tenant is advised of this and the fact that they are still entitled to a Formal Grievance Conference if they so choose. The original decision will remain pending the outcome of any formal grievance or other legal action
    - 3.3.2 If the tenant's claim is upheld, the Property Manager will make the adjustment to the tenant file and as appropriate, notify the A and O Manager of the need to make an adjustment to the tenant's file accompanied by all necessary verification/documentation
  - h. The Manager will send a copy of the Informal Settlement Conference Decision to the tenant, and the Director of Public Housing and a copy will be maintained in the applicant or tenant's file

## **Exhibit 13 – Formal Grievance Conference**

### **I. Grounds**

- A.** When a Formal hearing is required a Formal Hearing may be requested if the applicant/tenant disagrees with the decision rendered by the A and O Manager or the Community Property Manager at the Informal Settlement Conference. No Formal Grievance Conference may be conducted until the Informal Settlement Conference process is completed
  - 1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
  - 2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from CMHA's utility allowance schedule.
  - 3. A determination of the family unit size under CMHA's subsidy standards.
  - 4. A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under CMHA subsidy standards, or CMHA's determination to deny the family's request for an exception from the standards.
  - 5. A determination to terminate assistance for a participant family because of the family's action or failure to act (see Sec. 982.552).
  - 6. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under CMHA policy and HUD rules.
- B.** When hearing is not required. The HA is not required to provide a participant family an opportunity for an informal hearing for any of the following:
  - 1. Discretionary administrative determinations by CMHA.
  - 2. General policy issues or class grievances.
  - 3. Establishment of CMHA's schedule of utility allowances for families in the program.
  - 4. A CMHA determination that an assisted unit is not in compliance with HQS. (However, CMHA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in Sec. 982.551©.

### **II. Procedural Steps**

- A. Applicant/Tenant Action**
  - (1) The applicant/tenant receives the disposition summary from the Informal Settlement Conference along with a copy of the Formal Grievance Hearing Request Form
  - (2) If the applicant/tenant disagrees with the decision rendered by CMHA during the Informal Settlement Conference he or she may request a Formal Grievance Hearing
  - (3) Applicants may send or deliver their request along with a copy of the Informal Settlement Conference Summary to either the Admissions and Occupancy Manager or the Office of the Director of Public Housing, however it must be received no later than 30 days from the date of the decision of the Informal Settlement Conference

- (4) Tenants may make their request to either the Community Property Manager or the office of the Director of Public Housing however it must be received no later than 30 days from the date of the decision from the Informal Settlement Conference
  - (5) The applicant/tenant must spell out the reason for the Formal Grievance Hearing and the action he or she is seeking from CMHA
  - (6) Escrow Account
    - a. The tenant must make an escrow account deposit to CMHA for an amount equal to what was due in the month immediately preceding the effective date of the change in question if the issue is the amount of rent being charged
    - b. The Tenant must make this escrow payment each month until a decision is rendered
    - c. CMHA will only waive this requirement if the tenant is paying minimum rent and the grievance is based on a request for a hardship exemption which was denied or the calculation of the rent including imputed welfare income
  - (7) Failure to make the escrow deposit without good cause will be grounds for dismissing the Formal Grievance Hearing request
- B. Monitoring and Control Procedures
1. If the request is received by the A and O Manager or the Community Property Manager, the request along with the decision from the Informal Settlement Conference will be sent to the office of the Director of Public Housing
  2. If the request is received directly by the office of the Director of Public Housing, the Public Housing Administrative Assistant will pull the Director's copy of the Informal Settlement Conference Decision and attach it to the Formal Grievance Conference request
  3. The Public Housing Administrative Assistant will contact the Hearing Office to obtain a schedule date for the Formal Grievance. The Formal Grievance should be scheduled to occur no later than 10 days following the date of receipt of the hearing request
  4. The Public Housing Administrative Assistance will send a notice of the scheduled hearing to the Hearing Officer, the applicant or tenant and the assigned Occupancy Specialist or Community Property Manager depending on the reason for the hearing. Should the applicant or tenant be unable to attend the Formal Grievance Conference it will only be rescheduled once. If it is missed a second time, the grievance will be dismissed and a notice to this effect will be sent to all parties
- C. Conducting the Hearing
1. At the time of the scheduled hearing, the hearing officer will confirm that all required parties are present, secure identification from all parties present and their role/relationship to the complainant in the Formal Grievance Conference. The names and titles of all parties present will become a part of the permanent hearing record<sup>1</sup>.

2. The Hearing Officer will conduct the hearing in an informal manner
  - a. The Hearing Officer will require CMHA, the complainant, counsel, and other participants or spectators to conduct themselves in an orderly fashion.
  - b. If any of the hearing participants fail to comply with the directions of the Hearing Officer to obtain order, the Hearing Officer may exclude the disorderly party from the proceedings or granting or denying the relief being sought, as appropriate (24 CFR § 966.56 (f)).
  - c. The Hearing Officer will receive oral or written documentary evidence pertinent to the facts and issues raised by the complaint under the rules of evidence applicable to judicial proceedings.
  - d. During this process, the hearing office will provide the applicant/ a fair “due process” hearing, which will include:
    - (1) The opportunity to examine before the Grievance Hearing any CMHA documents, including records and regulations that are directly relevant to the hearing. The Complainant will be allowed to copy any such document at the complainant’s expense. If CMHA does not make the document available for examination upon request by the complainant, CMHA may not rely on such documents at the grievance hearing.
    - (2) The right to be represented by counsel or other person chosen as the complainant’s representative and to have such persons makes statements on the complainant’s behalf.
    - (3) The right to a private hearing unless the complainant requests a public hearing.
    - (4) The right to present evidence and arguments in support of the complainant’s complaint to controvert evidence relied on by CMHA or Housing Community Management, and to confront and cross examine all witnesses upon whose testimony or information CMHA or Housing Community Management relies; and
  - e. A decision based solely and exclusively upon the fact presented at the hearing.
  - f. At the hearing, the complainant must first make a showing of an entitlement to the relief sought and, thereafter, CMHA representatives must justify CMHA’s action or failure to act against which the complaint is directed (24 CFR § 966.56 (e)).
  - g. The Hearing Officer may render a decision without proceeding with the hearing if he determines that the issue has been previously decided in another proceeding (24 CFR § 966.56 ©).

- h. The Hearing Officer may make a determination to postpone the hearing for a period not exceeding five (5) days, excluding holidays and weekends, if the complainant fails to appear at the scheduled hearing, or
- i. The Hearing Officer may make a determination that the party has waived his right to a Formal Grievance hearing if the complainant fails to appear for the scheduled hearing
- j. The hearing Officer will notify both the complainant and CMHA of the decision to waive the complainant's hearing rights provided that such a determination will not constitute a waiver of any right the complainant may have to contest CMHA's disposition of the grievance in court (24 CFR § 966.55 (d)).

D. Rendering a Decision

- 1. Written Decision
  - a. The Hearing Officer will prepare and issue a written decision on the complaint within fifteen (15) days after the hearing.
  - b. The decision must state the conclusions, reasons, and otherwise comply with the decisional requirements set forth in 24 CFR § 966.56 and 24 CFR § 966.57, specifically including:
    - (1) Whether the complainant is entitled to the relief sought and the reasons upon which such a conclusion is based; and
    - (2) Whether CMHA sustained the burden of justifying its actions or failure to act, together with the reasons upon which such a conclusion is based.
  - c. The Hearing Officer will send copies of the hearing decision to both the complainant and the CMHA representative and the Public Housing Administrative Assistant
  - d. The CMHA representative will retain a copy of the hearing decision in the complainant's file once all steps directed by the hearing decision have been completed
  - e. The Hearing Officer will maintain a centralized file containing copies of all decisions with all names, and identifying references deleted, and will make the file available to prospective complainants or their representatives (24 CFR § 966.57 (a)).
- 2. Pursuant to 24 CFR § 966.57 (b), the decision of the Hearing Officer will be binding on CMHA which will take all actions, or refrain from any actions, necessary to carry out the decision unless CMHA's Board of Commissioners determines within thirty (30) days, and promptly notifies the complainant of its Determination that:
  - a. The grievance does not concern CMHA action or failure to act in accordance with or involving the Complainant's lease or CMHA regulations, with adversely affect the Complainant's rights, duties, welfare or status; or

- b. The decision of the Hearing Officer is contrary to applicable Federal, State or Local law, HUD Regulations, or requirements of the annual contributions contract between HUD and CMHA.
  - 3. The Complainant's right to a trial or judicial review in any court proceedings are not waived if a decision by the Hearing Officer or Board of Commissioners in favor of CMHA or which denies the relief requested is rendered (24 CFR § 966.57 ©).
- E. Effect of decision. The HA is not bound by a hearing decision:
  - 1. Concerning a matter for which the HA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the HA hearing procedures.
  - 2. Contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.
  - 3. If the HA determines that it is not bound by a hearing decision, the HA must promptly notify the family of the determination, and of the reasons for the determination.
- F. Restrictions on assistance to non-citizens. The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

## **Exhibit 14 – Tax Credit & Mixed Finance Family Developments**

In striving to attract working families with a broad range of eligible incomes, CMHA has constructed several development sites. Associated with these development sites are varying criteria, which qualifies applicants for local preferences.

1. Rosewind development site, 1400 Brooks Avenue, Columbus, Ohio, 43211 encourages the head of household or co-head to have two years of continuous employment.
2. The Meadows development site, 4501 Gender Road, Columbus, Ohio, 43110, encourages the head of household or co-head to have two years of continuous employment.
3. New Village Homes, 135 E. 2<sup>nd</sup> Avenue, Columbus, Ohio, 43201, only accepts head of household or co-head with two years of continuous employment.

## **Exhibit 15 – Zero Income and Minimum Rent Checklists and Worksheets**



**COLUMBUS METROPOLITAN HOUSING AUTHORITY**  
880 East Eleventh Avenue Columbus, Ohio 43211  
(614) 421-6307

### **VERIFICATION OF ZERO INCOME AND MINIMUM RENT HARDSHIP REQUEST FORM**

**This form must be completed in its entirety and signed by all adult family members who claim zero income or have a \$50 TTP (minimum rent).**

#### **Public Housing and Section 8 Housing Assistance Programs**

Please answer the following questions regarding your current household spending choices:

1. Do you have television cable or satellite service? Yes \_\_\_\_\_ No \_\_\_\_\_ If answer is yes, provide an estimate of your monthly television cable or satellite bill. \$ \_\_\_\_\_ per month. You may be asked to provide a copy of your cable/satellite bill and rental application.
2. Do you have a telephone, cellular phone, or pager? Yes \_\_\_\_\_ No \_\_\_\_\_ If you have a telephone, do you have any premium services such as voice mail, caller ID, call waiting, etc? Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is yes to either question, provide an estimate of your monthly telephone/pager/cell phone bill(s) \$ \_\_\_\_\_ per month. You may be asked to provide copies of your phone bill and rental application.

3. Do you own an automobile? Yes \_\_\_\_\_ No \_\_\_\_\_ If answer is yes; provide an estimate of your monthly operating expenses such as loan/lease payment, gas, oil, repairs, insurance, etc. \$ \_\_\_\_\_ per month. Vehicle Type(s) and Year: \_\_\_\_\_ How many miles do you drive per month? \_\_\_\_\_
4. Do you rent any furniture or electronic entertainment equipment? Yes \_\_\_\_\_ No \_\_\_\_\_ If answer is yes, please provide the actual cost of the weekly/monthly rental fee. \$ \_\_\_\_\_ per week or \$ \_\_\_\_\_ per month.  
Rental Company Name: \_\_\_\_\_ You may be asked to provide a copy of the rental agreement.

5. Do you have a household pet? \_\_\_\_ Yes \_\_\_\_ No If yes, what kind of pet is it?  
How much do you spend each month for food and/or health care for the pet? \$ \_\_\_\_\_  
per month.
6. Do you belong to a health club or social organization that has monthly dues/fees? If  
answer is yes, please list the club/organization and the monthly dues/fees.  
\_\_\_\_\_ \$ \_\_\_\_\_ per month.
7. How do you obtain food and other vital non-food household items such as cleaning  
supplies, paper towels, toilet paper, etc?
8. Do you use tobacco or alcohol? Yes \_\_\_\_ No \_\_\_\_ . If yes, how much tobacco/alcohol do  
you buy per week? \_\_\_\_\_
9. Do you have installment loans or credit card debt? Yes \_\_\_\_ No \_\_\_\_ . If yes, how much do  
you pay per month? \_\_\_\_\_
10. Do you have spousal support? Yes \_\_\_\_ No \_\_\_\_ If yes; monthly amount? \_\_\_\_\_
11. Do you have medical insurance? Yes \_\_\_\_ No \_\_\_\_ . If yes, what is your share of the  
monthly premium? \_\_\_\_\_  
If no, do you have a payment plan with a local hospital? Yes \_\_\_\_ No \_\_\_\_ ? If yes, how  
much do you pay per month? \_\_\_\_\_
12. Do you receive any regular monetary gifts from friends or family? Yes \_\_\_\_ No \_\_\_\_ . If  
yes, how much do you receive per month? \$ \_\_\_\_\_ How long have you been  
receiving this gift? \_\_\_\_\_ months.

**Certification of the Client and Adult Household Members and Release of Information to CMHA**

**I/We hereby swear and attest that all of the information given above about my household members and myself is complete, true, and correct to the best of my/our knowledge. I/We understand that any of the above information may be subject to verification. I/We further understand that I/We may be denied participation in CMHA's housing programs if the above information is determined to be misleading or false and if I/we do not furnish additional information to document our claims. I/We also understand that the above estimates may be used by CMHA for estimating annual income. I/We authorize the release of information about my sources of income and personal services that I have purchased or obtained from any person, agency, or company that I have disclosed on this form to the Columbus Metropolitan**

\_\_\_\_\_  
**Tenant                      Date**  
 \_\_\_\_\_  
**Other Adult      Date**

\_\_\_\_\_  
**Co-Tenant                      Date**  
 \_\_\_\_\_  
**Other Adult                      Date**

## Exhibit 15 – Continued

### Zero Income and Minimum Rent Checklist and Worksheets

This Checklist and Worksheet is to be completed for all families whose Total Tenant Payment equals the minimum rent, or for PHA's without minimum rents, for all families reporting less than \$100 per month in total income. The Form should be completed prior to admission and at each recertification (which may be monthly or quarterly depending on the PHA's policy on reexamination of tenant's with minimum rents or zero income). The form first lists all the cash and non-cash contributions the family is receiving and then assists PHA staff to compute the annual value of such contributions. This form should be completed after the Home Visit to an applicant or a home inspection of a resident. The family is required to submit documentation of amounts claimed.

#### 1. Food Expenses

Is the family receiving Food Stamps? ☐ Yes ☐ No. If yes, what is the monthly value of food stamps? \$\_\_\_\_\_. If no, what is the family's weekly grocery bill? \$\_\_\_\_\_. How does the family pay the weekly grocery bill?

\_\_\_\_\_.

If someone other than a member of the applicant/tenant family contributes to groceries, who contributes? \_\_\_\_\_. What is the average cash weekly amount for groceries contributed from all sources? \$\_\_\_\_\_. **This amount is income.**

**Does anyone contribute groceries or prepared food to the family on a regular basis?** ☐ Yes ☐ No. **If yes, what is the average weekly value of groceries or prepared food contributed?** \$\_\_\_\_\_. **This amount is income.**

Note: Food contributed by food banks, received from the surplus commodity program, the WIC program, or consumed at publicly or non-profit funded meals programs does not count as income. Food or cash for food contributed by private persons does count as income.

*Verification: The family should bring in at least one month's worth of grocery receipts. Check the receipts to make sure a family of that size could manage on the amount of food documented.*

#### 2. Cleaning, Grooming and Paper Products Expenses

What is the weekly value of paper products used by the family? Include paper napkins, toilet paper, paper towels, trash bags, other paper goods, and disposable diapers. \$\_\_\_\_\_. How does the family pay for these paper products? \_\_\_\_\_. If someone other than a member of the applicant/tenant family contributes to paper products, who contributes? \_\_\_\_\_. What is the average weekly value of cash contributions for paper products? \$\_\_\_\_\_. **This amount is income.**

**Does anyone contribute paper products to the family on a regular basis?** ☐ Yes ☐ No. **If yes, what is the average weekly value of paper products contributed to the family?** \$\_\_\_\_\_. **This amount is income.**

What is the weekly value of grooming products and services used by the family? Include soap, deodorant, shampoo, toothbrushes, toothpaste, dental floss, cosmetics, hair color, barber, beautician services, etc. \$ \_\_\_\_\_. How does the family pay for the cost of grooming products and services? \_\_\_\_\_. If someone other than a member of the applicant family contributes to grooming products, who contributes? \_\_\_\_\_. What is the average weekly value of contributions (cash or products) for grooming products? \$ \_\_\_\_\_. **This amount is income.**

What is the weekly value of cleaning products used by the family? Include dishwashing soap, laundry detergent, and household cleaning products? \$ \_\_\_\_\_. How does the family pay for cleaning products? \_\_\_\_\_. If someone other than a member of the applicant/tenant family contributes to cleaning products, who contributes? \_\_\_\_\_.

What is the average weekly value of cash contributions for cleaning products? \$ \_\_\_\_\_. **This amount is income.**

Does anyone contribute cleaning products to the family on a regular basis? ☐ Yes ☐ No. If yes, what is the average weekly value of cleaning products contributed to the family? \$ \_\_\_\_\_. **This amount is income.**

*Verification: Most families buy cleaning supplies, grooming products and paper products at the grocery store. Review the family's grocery receipts to help verify amount spent.*

### 3. Transportation Expenses

Does the family own a car? ☐ Yes ☐ No. If yes, are there still payments due on the car? ☐ Yes ☐ No. If yes, what is the amount of the monthly car payment? \$ \_\_\_\_\_. How does the family make the car payment? \_\_\_\_\_. If someone other than a member of the applicant/tenant household contributes to the car payment, who contributes? \_\_\_\_\_. What is the monthly amount of contribution toward the car payment? \$ \_\_\_\_\_. **This amount is income. This amount is income whether it is cash paid to the family or cash paid directly to the holder of the car note.**

If the family owns a car outright (no payments are due), what are the average monthly amounts the family pays for the following:

\_\_\_\_\_. If someone other than a member of the applicant/tenant family contributes to the car's operating costs, who contributes? \_\_\_\_\_. What is the average monthly amount of cash or direct payment contribution to the car's operating costs? \$ \_\_\_\_\_. **This amount is income.**

*Verification: The family should bring in one month's gas receipts, proof of insurance and proof of car payment (if applicable).*

**Note: Uninsured automobiles cannot be parked on PHA property.**

If the family does not own a car, what does the family use for transportation? \_\_\_\_\_. How does the family pay for this transportation? \_\_\_\_\_. If someone other than a member of the applicant/tenant family contributes to other transportation costs, what is the average monthly amount of cash or other contribution to transportation? \$ \_\_\_\_\_. **This amount is income.**

*Verification: A family without a car should provide a credible statement of the way they pay for transportation to shop, attend school, visit friends, take care of medical needs, attend church, etc.*

#### 4. Entertainment Expenses

Does the family have a cable TV connection? ☐ Yes ☐ No. If yes, does the family have the basic minimum service or do they also have any premium channels? ☐ Yes ☐ No. What is the average monthly cost of cable TV service? \$\_\_\_\_\_. How does the family pay for the cable TV service? \_\_\_\_\_. If someone other than a member of the applicant/tenant family contributes to the cost of cable TV service, who contributes? \_\_\_\_\_. What is the average monthly contribution (in cash or direct payment to the cable company) for cable TV? \$\_\_\_\_\_. **This amount is income.** What are the average weekly costs of other types of entertainment to the family? Include the following:

Magazines \$\_\_\_\_\_ Movies \$\_\_\_\_\_ Video Rentals \$\_\_\_\_\_ Club Memberships  
Liquor/Beer/Wine \$\_\_\_\_\_ Lottery Tickets \$\_\_\_\_\_ \$\_\_\_\_\_  
Other Entertainment \$\_\_\_\_\_

How does the family pay for the other entertainment costs?

\_\_\_\_\_. If someone other than a member of the applicant/tenant family contributes to the cost of other entertainment, who contributes? \_\_\_\_\_. What is the average monthly contribution (in cash or entertainment provided) for other entertainment? \$\_\_\_\_\_. **This amount is income.**

*Verification: The family should bring in two monthly bills for cable TV, plus receipts for other entertainment costs.*

#### 5. Clothing Expenses

What are the ages and sexes of all family members?

\_\_\_\_\_.  
What is the average monthly cost for clothing and shoes for the family? \$\_\_\_\_\_. How does the family pay for clothing and shoes?

\_\_\_\_\_. If someone other than a member of the applicant/tenant family contributes to the cost of clothing, who contributes?

\_\_\_\_\_. What is the average monthly contribution (in cash or new clothes and shoes) for clothing? \$\_\_\_\_\_. **This amount is income.**

What is the weekly amount spent by the family for laundry/dry cleaning clothing? \$\_\_\_\_\_. How does the family pay for cleaning its clothing?

\_\_\_\_\_. If someone other than a member of the applicant/tenant household contributes to the cost of cleaning clothing, who contributes?

\_\_\_\_\_. What is the average monthly contribution for clothes cleaning? \$\_\_\_\_\_. **This amount is income.**

**Note: Clothing acquired from Clothing banks or given to the family second hand is not counted as income.**

*Verification: The family should provide a schedule that shows when clothing and shoes are purchased and the amounts spent. Remember that children will need more clothing and shoes than adults because they are growing.*

## **6. Smoking Expenses**

Does anyone in the applicant/tenant household smoke cigarettes or cigars? ☐ Yes ☐ No. If yes, how many packs per day, are smoked by the smokers in the household? \_\_\_\_\_. How does the family pay for the cost of cigarettes/cigars? \_\_\_\_\_. If someone other than a member of the applicant/tenant household contributes to the cost of smoking, who contributes? \_\_\_\_\_. What is the average monthly contribution (in cash, cigarettes or cigars)? \$ \_\_\_\_\_. **This amount is income.**

*Verification: The family should document the brand of cigarettes/cigars smoked and the staff will document the least expensive price for that brand in the locality to impute cost.*

## **7. Communications Expenses**

Does the family have a telephone? ☐ Yes ☐ No. If yes, how many lines does the family have into its house/apartment? \_\_\_\_\_. Does the family have any special telephone services? (For example, call waiting, call forwarding, call ID, etc.)? ☐ Yes ☐ No. Does anyone in the family have a cell phone? ☐ Yes ☐ No. What is the average monthly cost for telephone service? \$ \_\_\_\_\_. How does the family pay for the cost of telephone service?

\_\_\_\_\_. If someone other than a member of the applicant/tenant household contributes to the cost of telephone service, who contributes? \_\_\_\_\_. What is the average monthly contribution (in cash or direct payment of the telephone bill) for telephone service? \$ \_\_\_\_\_. **This amount is income.**

Does anyone in the family have a beeper/pager? ☐ Yes ☐ No. If yes, how many members have beepers/pagers? \_\_\_\_\_. What is the average monthly cost for the beepers/pagers? \$ \_\_\_\_\_. How does the family pay for the cost of the beepers/pagers?

\_\_\_\_\_. If someone other than a member of the applicant/tenant household contributes to the cost of the beeper/pager service, who contributes? \_\_\_\_\_. What is the average monthly contribution (in cash or direct payment of the beeper/pager bill)? \$ \_\_\_\_\_. **This amount is income.**

Does the family have an Internet connection? ☐ Yes ☐ No. If yes, who is the Internet provider? \_\_\_\_\_. What is the monthly cost of the Internet connection? Is there a dedicated telephone line for the Internet? ☐ Yes ☐ No. If yes, does the telephone line show on the family's telephone bill? ☐ Yes ☐ No. If no, get a copy of the family's other telephone bill. How does the family pay for the Internet connection?

\_\_\_\_\_. What is the average monthly cost of the Internet connection? \$ \_\_\_\_\_. If someone other than a member of the applicant/tenant family contributes to the cost of the Internet connection, who contributes? \_\_\_\_\_. What is the average monthly contribution (in cash or direct payment to the Internet provided) for Internet services? \$ \_\_\_\_\_. **This amount is income.**

*Verification: The family should bring in at least two month's worth of bills for telephone, beeper/pager and Internet services, as applicable. Review the bills carefully to determine the average monthly cost for communications services.*

## 8. Shelter Expenses

For applicants, what is the average monthly cost for housing and utilities? \$\_\_\_\_\_. How does the applicant pay the cost of shelter? \_\_\_\_\_. If someone other than a member of the applicant household contributes to housing or utility costs, who contributes? \_\_\_\_\_. What is the average monthly contribution to shelter (housing plus utilities)? \$\_\_\_\_\_. Will the person(s) contributing toward shelter continue to do so when the applicant is admitted to public housing? ☐ Yes ☐ No. If no, why no? \_\_\_\_\_.

For tenants, what is the average monthly cost for housing and utilities? \$\_\_\_\_\_. How does the tenant pay the cost of shelter? \_\_\_\_\_. If someone other than a member of the tenant household makes a contribution toward the shelter? \$\_\_\_\_\_.

**This amount is income.**

*Verification: Families should bring in documentation of their actual cost for housing and utilities.*

## 9. Medical Expenses

Does the family have any unreimbursed medical expenses? ☐ Yes ☐ No. If yes, what is the average monthly cost of unreimbursed medical expenses? \$\_\_\_\_\_. How does the family pay for unreimbursed medical expenses? \_\_\_\_\_. If someone other than a member of the applicant/tenant household contributes toward medical expenses, who contributes? \_\_\_\_\_. **Such contributions are not income.**

## 10. Miscellaneous Expenses

Listed below are a series of expenses the family might have. Indicate the monthly amount the family spends on any applicable expenses and the amounts contributed toward the expenses:

Church Contributions \$\_\_\_\_\_

Unreimbursed Educational Expenses \$\_\_\_\_\_

Unreimbursed Childcare Expenses \$\_\_\_\_\_

Unreimbursed Job Expenses \$\_\_\_\_\_

Review the information provided above against the observations of staff conducting the home visit/home inspection. Does the information appear to be consistent? If not, insist that the applicant explain any variations. For example, if the applicant does not admit to having telephone or cable TV services but they have been observed in the home, press the point.

## Exhibit 15 (con't)

### Worksheet for Income from Contributions

1. What is the family's verified Annual Income? \$\_\_\_\_\_. Does the Annual Income include any contributions from persons outside the applicant/tenant household? ☐ Yes ☐ No. If no, it may be necessary to increase the Annual Income to reflect such contributions, which will also increase rent.
2. Does the family have any income that is excluded from Annual Income? ☐ Yes ☐ No. What is the annual amount of excluded income? \$\_\_\_\_\_. Such excluded income would include foster care payments, the first 12 months of increased income of a person who was formerly unemployed and is now working, scholarships and student loans, and all other income specifically excluded in the PHA's A & O Policy. If a family can verify receipt of excluded income sufficient to cover the family's annual expenses shown below, it will not be necessary to increase Annual Income to reflect contributions. Remember, the applicant/tenant must verify excluded income just like Annual Income.
3. On the matrix below, compute the family's annual expenses using the amounts from the worksheet above:  
To compute annual expenses, multiply weekly average costs by 52 and monthly average costs by 12.

Type of Cost	\$Weekly Expenses	\$Monthly Expenses	\$Annual Expenses	\$Contributed Toward Expenses
1. Food				
2. Cleaning, Grooming & Paper Products				
3. Transportation				
4. Entertainment				
5. Clothing				
6. Smoking				
7. Communications				
8. Shelter (Housing &				
9. Medical				
10. Miscellaneous				
<b>TOTALS</b>				

4. When the matrix is completed, total the two columns on the left: \$ Annual Expenses and \$ Contributed Toward Expenses. From some source, the family has sufficient income to pay the total in the \$ Annual Expenses column. If the Annual Income shown in #1 above plus any excluded income shown in #2 above is less than \$ Annual Expenses, Annual Income has been understated and must be increased.
4. Review the amounts included in Annual Income. Are all the \$ Contributed included in Annual Income? If not, add any Contributions not included to

Annual Income. Once again, add Annual Income and Excluded Income. If the total of these two income sources still does not equal \$ Annual Expenses, some form of income, usually Contributions, has been understated. Unless the family can verify additional excluded income, the Contributions amount should be increased until the total of Annual Income and Excluded Income equal Annual Expenses.

## **Exhibit 16 – CMHA Pet Ownership Lease Addendum**

If you chose to own a pet, it should be noted that pets are a serious responsibility both personally and financially. Any animal brought into your home is to be treated in a humane manner at least as defined by law.

The below listed rules and regulations will become a part of the existing lease between the tenant and the Columbus Metropolitan Housing Authority if you have chosen to own a pet: Animals that assist the handicapped are excluded from the height provision of this addendum as well as the non-refundable fee provision.

Only one dog or cat is permitted per unit. Only common, household pets will be permitted such as dogs, cats, birds, turtles and fish. No exotic animals, mammals, reptiles, rodents or insects are allowed.

There will be a monthly fee of \$25 per dog or per cat payable to the Housing Authority. This fee is not a limit on the resident's liability for property damage, cleaning, deodorization, de-flea-sing, replacements and or personal injuries. Any/all members (of legal age) of the household are liable if they are listed on the lease.

The resident must advise the Manager in writing of their desire to own a pet. Permission to keep a pet is conditional during the term of tenancy, provided that all rules and regulations are adhered to, whether they are CMHA rules and regulations or applicable laws or ordinances.

The pet must not exceed 35 pounds at maturity. CMHA automatically excludes Pit Bull Terriers or any animals used for fighting purposes or any animals deemed vicious, dangerous or a nuisance by law or ordinance (*Columbus City Health Code, Chapter 243, Vicious, Dangerous and Nuisance Animals and ORC section 955.11*).

The resident must provide proof of licensing each year, which is payable to Franklin County by January 20<sup>th</sup> of each year. Failure to provide this information to CMHA management is considered a lease violation and could result in eviction.

A statement is required from a veterinarian that the animal has been spayed or neutered prior to occupancy in the unit, and proof that all required vaccinations have been administered as required by law is required to be given to the manager prior to the animal's occupancy of the unit. Owners must maintain current inoculations of pets as defined by the Columbus Health Department and such records are to be made available upon request of management.

Animals must be kept on a leash when outside their unit and under control of their handler. Management has the right to arrange for pick up of unleashed pets and report them to the proper authorities and any or all fines imposed by authorities are the tenant's responsibility.

It is the tenant's responsibility for cleaning and to properly dispose of animal waste and residents shall comply with local ordinances regarding pet defecation.

Excessive barking, whining or howling by animals is considered a violation of other tenants' peaceful enjoyment and will be considered a lease violation if not immediately corrected. Residents agree to immediately and permanently remove the pet from the premises if CMHA receives complaints from neighbors or other residents if the pet has disturbed their rights, comforts or conveniences of neighbors or other residents.

- Guests are not permitted to bring pets into tenant's units.
- Residents are not permitted to "house sit" any pets belonging to others for any reason.
- Pets are not to be tied to any fixed object outside their dwelling unit.
- Pets are not permitted in common areas or any posted areas shared simultaneously by other residents.
- Pets are to be fed and watered inside the resident's unit – no food or water is allowed to be stored outside of the unit or in common areas.
- Pets must be secured (i.e. caged or placed in a room) when the resident is not at home or when a CMHA employee enters the unit for any reason.

Resident must inform management who will be responsible for the care of their pet in the event that they become ill for an extended period of time or in the event of their death or any emergency situation.

Each adult resident who is signed on the lease shall also sign the Pet Ownership Lease Addendum. Residents shall be jointly and severally liable for damages and all other obligations set forth herein, even if such resident does not own the pet.

Each resident shall pay for cleaning, de-flea-ing and deodorizing their unit as directed by the manager and/or prior to move out, and this service will be secured by Management and paid by tenant prior to any refund of housing deposit.

If residents or resident's guest or occupants violate any rule or provision of this Pet Addendum, residents shall immediately and permanently remove the pet from the premises

upon written notice from management or their representative and Management shall have all other rights and remedies set forth in the standard lease agreement including damages, eviction and/or attorney's fees.

CMHA Management shall have the right from time to time to make reasonable changes and/or additions to these rules and will notify residents in writing of any said changes.

Signed:

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Date

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Date

---

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Date

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**EXHIBIT 16 (CON'T)**

**COLUMBUS METROPOLITAN HOUSING AUTHORITY**

**PET POLICY – NO PET CLAUSE**

By signing this clause, I certify that I do not have or keep a pet of any kind. I have received a copy of the Pet Policy and I understand that I must request an application for housing a pet, submit all required documentation, sign and comply with the Pet Policy Addendum prior to acquiring a pet.

I understand that having a pet on or near the premises including visiting pets is a violation of my lease agreement and may result in a termination of my lease.

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

## **Addenda**

<b>Addendum I</b>	<b>Unit Offer Acceptance Certification</b>	<b>130</b>
<b>Addendum II</b>	<b>Certification Checklist</b>	<b>131</b>
<b>Addendum III</b>	<b>Notification of Applicant/Resident Grievance Rights</b>	<b>132</b>
<b>Addendum IV</b>	<b>Informal Settlement Conference Schedule</b>	<b>133</b>
<b>Addendum V</b>	<b>Summary of Informal Settlement Conference</b>	<b>134</b>
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<b>Addendum XII</b>	<b>Income Inclusions and Exclusions</b>	<b>142</b>
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## Addendum I

## Unit Offer Acceptance Certification

1. I/we \_\_\_\_\_ have had the unit offer process explained to me/us and I/we understand that I/we have a first choice of \_\_\_\_\_ or a second choice of \_\_\_\_\_ for housing. I have informed the specialist that \_\_\_\_\_ is my first preference for housing. I do however understand that my/our housing choice may be changed due to a lack of vacancies. CMHA will have the final determination as to where I will be housed.
2. I/we \_\_\_\_\_ have had the unit offer process explained to me/us and I/we choose to be placed on the waiting list. I/we understand that there is no definite time frame as to when something will become available. I/we will make alternate housing arrangements for myself until contacted. I/we will be responsible for reporting any contact information changes to CMHA.
3. I/we \_\_\_\_\_ have had the unit offer process explained to me/us and I/we do not wish to be housed at the sites I was offered. I choose instead to find an alternative method for my housing needs. CMHA has my permission to withdraw my application.

\_\_\_\_\_  
Head of Household

\_\_\_\_\_  
Date

\_\_\_\_\_  
Co-Head/Other Adult

\_\_\_\_\_  
Date

\_\_\_\_\_  
CMHA Representative

\_\_\_\_\_  
Date

## Addendum II      Certification Checklist

Unit No. \_\_\_\_\_

Action \_\_\_\_\_

Client No. \_\_\_\_\_

Client Name: \_\_\_\_\_

**All items listed must have dates next to the items verified, the necessary information entered and the form must be signed by the CMHA interviewer or representative completing the certification /recertification.**

**Date (s)**

**Description**

_____	Date of the initial review/certification interview
_____	Date of the Federal privacy Act form was signed by all adult household members
_____	Date all income(s) were verified or certification signed
_____	Date all assets were verified or certification signed
_____	Date all medical expenses were verified
_____	Date childcare expenses were verified
_____	Date birth verifications were provided
_____	Date all social security numbers were verified
_____	Date citizenship for all household members was documented
_____	Date suitability was determined (applicants and new adult additions)
_____	Date rent calculation was completed
	EID Eligible    No__      Yes __    Effective Date _____
_____	Date Community Services Certifications Signed Mandatory Participant(s)
	_____
_____	Date Retro Charge/credit calculated    Amount _____
	Date HUD 50058 run and placed in the package
	Date file submitted to Community Property Manager

***I certify that the information given to the Columbus Metropolitan Housing Authority by this household regarding household composition, income, assets, allowances and deductions has been verified as required by federal law. The family was eligible at admission, and the family has certified that it has given our agency accurate and complete information.***

\_\_\_\_\_  
Signature of CMHA Official    Date

**Addendum III      Notification of Applicant/Resident Grievance Rights**

**DATE:**

**NOTICE TO ALL RESIDENTS AND ALL APPLICANTS:**

**PLEASE BE ADVISED THAT YOU HAVE THE RIGHT TO BRING CERTAIN GRIEVANCES (DISPUTES OR PROBLEMS), INCLUDING BUT NOT LIMITED TO GRIEVANCES OVER THE REJECTION OR YOUR APPLICATION FOR HOUSING, RENT, MAINTENANCE CHARGES, OR CONDITIONS IN YOUR UNIT, BEFORE THE COLUMBUS METROPOLITAN HOUSING AUTHORITY THROUGH THE RESIDENT GRIEVANCE PROCEDURE. ' INFORMATION ABOUT AND A COPY OF THE RESIDENT GRIEVANCE PROCEDURE CAN BE OBTAINED AT EACH HOUSING COMMUNITY MANAGEMENT OFFICE AND AT THE CENTRAL OFFICE OF THE COLUMBUS METROPOLITAN HOUSING AUTHORITY.**

**THE COLUMBUS METROPOLITAN HOUSING AUTHORITY ENCOURAGED EACH APPLICANT OR RESIDENT TO USE THE GRIEVANCE PROCEDURE TO RESOLVE HIS OR HER GRIEVANCE.**

**THANK YOU.**

**MANAGEMENT OFFICE**

**\*Property Manager: Please post in Management Office in three (3) conspicuous places.**

## Addendum IV

## Informal Settlement Conference Schedule

### Informal Settlement Conference Schedule

(Must be mailed to Tenant(s) on same date)

TO:

(List all Adult members of Household)

\_\_\_\_\_ Apt. # \_\_\_\_\_ Columbus, Ohio 43

### RE: Informal Settlement Conference

Dear Tenant(s):

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, you presented grievance to the Columbus Metropolitan Housing Authority (CMHA). Pursuant to CMHA's Resident Grievance Procedure, I have scheduled an Informal Settlement Conference ("Conference") so that you may discuss your grievance with me. Your Conference has been scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M.

The Conference will be held at \_\_\_\_\_

The purpose of the Conference is to amicably resolve your grievance without resorting to a Grievance Hearing. I intend to extensively discuss your grievance, the possible means of resolutions and reach a decision satisfactory to you and CMHA, if possible. The Conference is not an adversarial proceeding and therefore, neither CMHA nor the Tenant may have any legal representation at such Conference. However, both CMHA and the Tenant may present witnesses at the Conference. I shall conduct the Conference in a fair and impartial manner. You will be given full opportunity to discuss your grievance.

You should review the Resident Grievance Procedure prior to attending the Conference so that you may become familiar with your rights. IF YOU DO NOT HAVE A COPY OF THE RESIDENT GRIEVANCE PROCEDURE, INFORMATION ABOUT AND A COPY OF THE RESIDENT GRIEVANCE PROCEDURE CAN BE OBTAINED AT YOUR HOUSING COMMUNITY MANAGEMENT OFFICE AND AT THE CENTRAL OFFICE OF THE COLUMBUS METROPOLITAN HOUSING AUTHORITY.

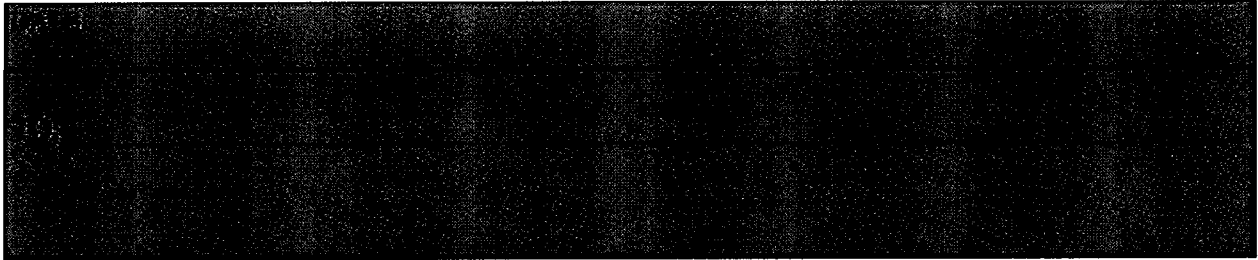
Sincerely yours,

BY: \_\_\_\_\_  
Property Manager

**MEMORANDUM OF SERVICE** I hereby certify that pursuant to Paragraph 14 of the LEASE, I served foregoing letter on the above noted Tenant(s) at the above noted address this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by \_\_\_\_\_ (check) regular first class mail, postage prepaid or \_\_\_\_\_ (check) by hand-delivery

## Addendum V

## Informal Settlement Conference Summary



(List all adult members of household)

\_\_\_\_\_ Apt. # \_\_\_\_\_ Columbus,  
Ohio 43 \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, an Informal Settlement Conference ("Conference") was held to discuss your grievance, which was received by the Columbus Metropolitan Housing Authority (CMHA) on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. A summary of the Conference is set forth as follows:

The names and titles, as appropriate of all participants (include each tenant, each CMHA representative, and all others) of the Conference are as follows:

\_\_\_\_\_  
\_\_\_\_\_

Your grievance is that:

The disposition on your grievance is:

\_\_\_\_\_  
\_\_\_\_\_

The specific reasons for the disposition on your grievance are:

\_\_\_\_\_  
\_\_\_\_\_

If you are not satisfied with the disposition of your grievance, you may obtain a Formal Grievance Hearing on your grievance by completing the following steps:

- You must complete and submit the Formal Grievance Hearing Request Form (attached hereto as "Addendum 4") or a written request for a hearing within 30 days of receipt of the action or inaction you disagree with
- You must state your reasons for your dissatisfaction and/ or grievance and the action or relief sought; AND
- Deliver or mail a copy of the Informal Settlement Conference Summary and the completed Grievance Hearing Request Form or written request for a hearing to:
  1. Your Housing Community Management Office; **OR**
  2. The Columbus Metropolitan Housing Authority, Attention: Director of Public Housing, 880 E. Eleventh Avenue, Columbus, Ohio 43211.

In either event, the copy of the Summary and the completed Grievance Hearing Request Form or written request must be received by either the Housing Community Management Office or the office of the Director of Public Housing within thirty (30) days after it was mailed or hand-delivered to you.

Your failure to attach a copy of the Informal Settlement Conference Summary to the Grievance Hearing Request Form to any written request for a hearing shall not be a reason to deny the Tenant's request for a hearing.

*NOTE: A condition precedent to the utilization of the Grievance Procedure is the payment of all rent arrearage claimed by CMHA where the grievance conditions the amount of rent due under your Lease. The payment of rent arrearage will be limited to all rent due and payable as of the first of the month preceding the month in which the grievance allegedly occurred, excluding any charges or fines. Thereafter, you must monthly deposit this sum (or such other amount of rent which may result from a change in your economic or family circumstances, if any, during the pendency of the grievance) into CMHA's escrow account pending resolution of the grievance. Your failure to do so terminates the grievance in favor of the Authority.*

If you request a Formal Grievance Hearing in a proper and timely manner, CMHA shall schedule a hearing on the grievance at the earliest time possible but in no case later than twenty (20) days (except for good cause shown) after CMHA receives the written request for hearing.

If you fail to request a hearing within thirty (30) days after the Summary was mailed or hand-delivered to you, CMHA's Summary rendered as a result of the Informal Settlement Conference becomes final and CMHA is not obligated to offer you a hearing unless you show good cause why you failed to proceed in accordance with CMHA's Resident Grievance Procedure. Also, your failure to request a Grievance Hearing does not affect the right to contest CMHA's decision in a court hearing.

Sincerely Yours,

By:

\_\_\_\_\_  
CMHA Management Representative

## MEMORANDUM OF SERVICE

**I hereby certify that pursuant to Paragraph 14 of the LEASE, I served foregoing letter on the above noted Tenant(s) at the above noted address this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by**

\_\_\_\_ (check) regular first class mail, postage prepaid or

\_\_\_\_ (check) by hand-delivery

## Addendum VI

## Applicant/Resident Grievance Hearing Request Form

The undersigned Tenant(s) hereby notify(s) CMHA that he/ she/ they is (are) dissatisfied with the CMHA Summary of the Informal Settlement Conference which was held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. **Please attach a copy of the Informal Settlement Conference Summary to this request.**

The reason(s) for my (our) grievances are:

I (We) hereby request a Formal Grievance Hearing on the foregoing grievance and I (We) request the following relief or action on said grievance:

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I (We) hereby request a Formal Grievance Hearing on the foregoing grievance and I (We) request the following relief or action on said grievance:

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\_\_\_\_\_  
Tenant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant

\_\_\_\_\_  
Date

## **Addendum VII    Annual Selection of Rent Payment**

Flat rent has been established to promote income diversity in our communities. Residents that may benefit are those whose incomes have increased to the point that an adjusted income based rent is unreasonable for the housing provided.

Fair Market Rent for Franklin County based on bedroom size has been utilized in determining flat rent amounts. Annually residents are offered a choice to select 30% adjusted gross income or flat rent in determining rent. Residents wishing to select a flat rent may do so by submitting this form to the Property Manager in which you reside.

The Flat Rent amount according to your bedroom size is \$\_\_\_\_\_ for your community. If you would like to choose flat rent, please submit the following request to the Property Manager within 10 days of the date of this letter. If you do not complete the request and submit it within the required time, CMHA will assume that you have elected the calculation of 30% adjusted income in determining rent.

I, \_\_\_\_\_ have received notification and a further explanation of CMHA Policy on Flat Rent and I would like to choose flat rent.

\_\_\_\_\_  
Resident Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Resident Name

\_\_\_\_\_  
Social Sec. Number

## **Addendum VIII**

## **Addendum to the Lease Pet Addendum**

### **APPLICATION FOR HOUSING A PET IN FAMILY COMMUNITIES [24 CFR 903.7(n)]**

Mr. And/ or Ms.

\_\_\_\_\_  
(head of household)

\_\_\_\_\_ (spouse) is/ are applying for approval to  
house an acceptable pet in CMHA's unit situated at:

\_\_\_\_\_  
(address)

( ) - \_\_\_\_\_ (telephone number)

### **INITIAL PROCESS**

If you are on negative or zero rent, after the utility allowance, you are required to demonstrated by providing documentation to the HA the ability to comply with Policy and Procedures in caring and providing for a pet in your unit. (check applicable box)

☐ YES

☐ NO

The HA will review your past three years of unit inspections. If they have resulted in a poor rating, your unit must be inspected for at minimum, three consecutive months for substantial changes in rating. If the results after this time prove to be satisfactory or improved, you may reapply for permission to house a pet. This does not preclude the HA from reinspecting if deemed necessary.

**HUD OFFICIAL NOTIFICATION:**  
Community Service Requirement

*Under section 12 of the United States Housing Act of 1937, as amended, every adult resident of public housing is required to perform eight hours of community service each month, or participate in a self-sufficiency program for at least eight (8) hours each or a combination of the two totaling eight hours each month (42 USC 1437d)*

I/we have received a copy of, have read and understand the contents of CMHA's Community Service / Self Sufficiency policy.

I/We understand that this is a requirement of the Quality Housing and Work Responsibility Act of 1998 and that if we do not comply with this requirement, our lease will not be renewed.

\_\_\_\_\_  
Resident

\_\_\_\_\_  
Date

\_\_\_\_\_  
Resident

\_\_\_\_\_  
Date

\_\_\_\_\_  
Resident

\_\_\_\_\_  
Date

\_\_\_\_\_  
Resident

\_\_\_\_\_  
Date

If you have any questions regarding the Community Service Requirements you should contact your community Property Manager or COMMUNITY BUILDING FACILITATOR @ 421-6123 (M-F, 8:00am-4: 30pm)

## **Addendum X      Community Service Mandatory Participant/Exemption List**

### **GENERAL:**

For continued occupancy, each adult family member age 18 and over must either:

1.      Contribute eight hours per month of community service (not including political activities) within the community or the public housing development, or
2.      Participate in an economic self-sufficiency program unless they are exempt from this requirement.

### **EXEMPTIONS:**

The following adult family members are exempt from this requirement:

- A.      Members of the Household who are 62 or older
- B.      Members of the Household who are blind or disabled
- C.      Members of the Household who are the primary care giver for someone who is blind or disabled
- D.      Members of the Household engaged in full time employment
- E.      Members of the Household who are enrolled in any state or local college or accredited vocational school
- F.      Members of the Household receiving assistance under a State program funded under Part A Title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program.

## Addendum XI

## Community Service Exemption Certification

Head of Household \_\_\_\_\_

Client No. \_\_\_\_\_

Resident Claiming Exemption \_\_\_\_\_

*I certify that I am eligible for an exemption from the Community Service requirement for the following reason:*

- ☐ I am age 62 or older
- ☐ I have a disability, which prevents me from working (*verifications use to establish entitlement to disability/dependent deduction may serve as documentation of this exemption*)
- ☐ I am working full time (*employment verification will serve as documentation of this exemption*)
- ☐ I am participating in Welfare to Work Program (*Must provide verification from involved agency attesting to resident's participation in program*)
- ☐ I am receiving TANF **and** I am participating in a required economic self sufficiency program or work activity (*Must provide verification from Franklin County Jobs and Family Services agency that resident is in compliance with the economic self sufficiency requirements of TANF*)
- ☐ I am a full time student (*Must provide verification letter from school attended*)

\_\_\_\_\_  
Resident

\_\_\_\_\_  
Date

*Note: A separate Certification form must be signed and verification provided by each household member claiming an exemption.*

## **Addendum XII**

## **Income Inclusions and Exclusions**

### **INCOME INCLUSIONS**

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
- (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
- (4) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, lotteries, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (but see No. 13 under Income Exclusions);
- (5) Payments in lieu of earnings, such as unemployment, worker's compensation, and severance pay (but see No. 3 under Income Exclusions);
- (6) Welfare Assistance.
  - a. Welfare assistance received by the household.
  - b. The amount of reduced welfare income that is disregarded specifically because the family engaged in fraud or failed to comply with an economic self-sufficiency or work activities requirement.
  - c. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustments by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare income to be included as income shall consist of:
    - (i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
    - (ii) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;

- (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling; and
- (8) All regular pay, special pay, and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other person whose dependents are residing in the unit (but see paragraph (7) under Income Exclusions).

### **Income Exclusions**

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses (but see No. 5 under Income Inclusions);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide (as defined by regulation);
- (6) The full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8)
  - a. Amounts received under training programs funded by HUD;
  - b. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - c. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
  - d. A resident service stipend. This is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the development. This may include, but is not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time; or
  - e. Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program.

- (9) Temporary, nonrecurring, or sporadic income (including gifts). For example, amounts earned by temporary census employees whose terms of employment do not exceed 180 days (Notice PIH 2000-1).
- (10) Reparations payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- (11) Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);
- (12) Adoption assistance payments in excess of \$480 per adopted child;
- (13) Deferred periodic payments of supplemental security income and social security benefits that are received in a lump-sum payment or in prospective monthly payments;
- (14) Amounts received by the family in the form of refunds or rebates under state or local law for property taxed paid on the dwelling unit;
- (15) Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and
- (16) Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. A notice will be published in the *Federal Register* and distributed to PHAs identifying the benefits that qualify for this exclusion. Updates will be distributed when necessary. The following is a list of income sources that qualify for that exclusion:
  - a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
  - b. Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
  - c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626©);
  - d. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
  - e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
  - f. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);
  - g. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub.L- 94-540, 90 Stat. 2503-04);
  - h. The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);

- i. Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
  - j. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
  - k. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent-product liability litigation*, M.D.L. No. 381 (E.D.N.Y.);
  - l. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
  - m. The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
  - n. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
  - o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95433);
  - p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
  - q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spinal bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);
  - r. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and
  - s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).
- (17) Earned Income Disallowance
- a. Initial Twelve-Month Exclusion [24 CFR 5.617 (C)(1)]
  - b. Second Twelve-Month Exclusion [24 CFR 5.617 (C)(2)]
  - c. Maximum Four-Year Disallowance [24 CFR 5.617 ©(3)]

**Addendum XIII****Interim Review Request Form**

Tenant Name \_\_\_\_\_

Client No. \_\_\_\_\_

Tenant Address \_\_\_\_\_

Unit No. \_\_\_\_\_

Tenant Phone No. \_\_\_\_\_

Date Reported \_\_\_\_\_

**Current Household Circumstances**

<b>Household Members</b>	<b>Income Source(s)</b>	<b>Paid To</b>	<b>Amount</b>

Current Rent \_\_\_\_\_ Current Utility Allowance \_\_\_\_\_

Description of Change \_\_\_\_\_

Date Change Occurred \_\_\_\_\_ Duration of Change \_\_\_\_\_

Tenant's Signature \_\_\_\_\_

Property Management Representative's Signature \_\_\_\_\_

Rent Recalculation required Yes \_\_\_\_\_ No \_\_\_\_\_ Appointment Scheduled Yes \_\_\_\_\_ No \_\_\_\_\_

Scheduled Appointment Date/time \_\_\_\_\_ Date to A and O \_\_\_\_\_

Final Disposition \_\_\_\_\_

A and O Clerk \_\_\_\_\_ Date \_\_\_\_\_

## Addendum XIV

### Columbus Metropolitan Housing Authority

#### Smoke Free Policy

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1. **Purpose.** The purpose of the Columbus Metropolitan Housing Authority (CMHA) Smoke-Free Policy is to mitigate irritation and known health effects of secondhand smoke for residents, guests, contract workers and CMHA employees. In addition, the smoke-free policy is intended to decrease the risk of fire in CMHA units and reduce the cost of maintenance and cleaning resulting from smoking.
2. **Definition of Smoking.** Smoking is defined as inhaling, exhaling, breathing or carrying any lit cigar, cigarette, pipes, other tobacco product or similarly lighted smoking material in any manner or in any form.
3. **Effective Date of Policy.** All properties funded through the Public Housing program will become smoke free on July 31st, 2018. All other residential properties owned or managed by CMHA will transition to smoke free housing by January 1<sup>st</sup>, 2019.
4. **Smoke Free Areas.** All buildings on CMHA property will be smoke-free buildings. All living units and interior areas, including but not limited to community bathrooms, lobbies, community rooms, laundry rooms, hallways, stairways, elevators, management and administrative offices, balconies, entryways, hallways, and porches are designated as smoke-free. Designated smoke-free areas also include CMHA walkways, lawns and parking areas within 25 feet of building windows or doors, and all playgrounds and tot-lots located anywhere on all CMHA property.
5. **Designated Smoking Areas.** If, in CMHA's sole discretion, the property size and configuration allow, CMHA may designate a specified outside area where smoking is permitted. Where an outside area on a site has been designated, smoking outside on that site is only permitted in that specified area. Under no circumstances shall outside smoking be permitted on CMHA property within 25 feet from any entrance, window, or building.
6. **Enforcement.** Smoking in an apartment or within 25 feet of any CMHA structure will be treated as a lease violation. If the violation persists, a termination notice can be issued. Head(s) of Households and all adult household members will sign a lease addendum and agree that all members of the household and all guests of the household will abide by the smoke free policy. Each Head-of-Household and/or all adult members of the household will

be responsible to ensure that all household members and their guests adhere to the smoke free policy. A breach of the smoke free lease addendum constitutes a breach of the lease and grounds for eviction.

- a. **First violation.** Household will receive a written reminder of the non-smoking policy to include a copy of the non-smoking lease addendum.
- b. **Second violation.** Household will receive a second written reminder of the non-smoking policy with a notice of lease violation.
- c. **Third violation.** Upon the third violation, an eviction will be filed for failure to comply with the non-smoking policy.

- 7. **Landlord Not a Guarantor of Smoke Free Environment.** CMHA's adoption of a smoke-free policy does not make CMHA nor any of its managing agents the guarantor of Residents health or of the smoke-free condition of a Resident's unit and common areas. However, CMHA and their managing agents shall take reasonable steps to enforce the smoke-free terms of its leases and to make the non-smoking areas as smoke-free as is reasonably possible. CMHA and/or its managing agents will address violations of this policy upon actual knowledge of said smoking or if CMHA and/or its managing agents has been given notice of said smoking and said notice can be substantiated.
- 8. **Disclaimer by CMHA/Landlord.** CMHA's adoption of a smoke-free policy does not in any way change the standard of care that CMHA or its managing agent would have to a tenant to render buildings and premises designated smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental property. CMHA specifically disclaims any implied or express warranties that the building, common areas, or Tenant's premises will have any higher or improved air quality standards than any other rental property. CMHA cannot and does not warrant or promise that the rental premises or common areas will be free from second hand smoke. CMHA and its managing agents' ability to police, monitor, or enforce the agreements of the Smoke Free Lease Addendum is dependent in significant part on voluntary compliance by tenant and tenant's guests, as well as by all residents and guests in other parts of the smoke-free area. Residents with respiratory ailments, allergies or a physical or psychological condition relating to smoke are put on notice that CMHA does not assume any higher duty of care to enforce the smoke free lease addendum than any other CMHA obligation under the Lease.

**COLUMBUS  
METROPOLITAN  
HOUSING AUTHORITY**

**ADMINISTRATIVE PLAN**

**FOR THE**

**HOUSING CHOICE VOUCHER**

**PROJECT-BASED VOUCHER**

**AND**

**SHELTER PLUS CARE**

**PROGRAMS**

**DATE**

**NOVEMBER 16, 2012**

**COLUMBUS METROPOLITAN HOUSING AUTHORITY**  
**HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN**

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## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 1. STATEMENT OF LOCAL POLICIES**

The Housing Choice Voucher Program was created by the Housing and Community Development Act of 1974 and further amended by federal legislation. The Housing Choice Voucher Program has two separate components—the Tenant Based Housing Choice Voucher Program and the Project-Based Voucher Program – administered by CMHA. The Shelter Plus Care Program is a special stand-alone Voucher program created by Congress to assist disabled and homeless persons and is also administered by CMHA in cooperation with community-based sponsors.

These programs are administered in compliance with the Ohio Revised Code, Federal statutes and regulations and this Administrative Plan. If any policy in this Plan is in conflict with federal or state law or regulation, the applicable law or regulation shall take precedence over this Plan.

#### **A. THE CMHA ADMINISTRATIVE PLAN**

The purpose of this Administrative Plan is to establish discretionary policies and implement HUD regulations for the administration of the Housing Choice Voucher and Shelter Plus Care Programs. The Plan covers both admission and continued participation in these programs. Policies are the same for all programs, unless otherwise noted in this Plan or by HUD regulations.

CMHA's Board of Commissioners must approve Policy revisions to this Plan. Revisions to internal operating procedures are at the discretion of CMHA's Chief Executive Officer and the Chief Operating Officer.

CMHA is responsible for complying with all subsequent changes in Federal laws and HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations and/or federal law will have precedence.

#### **B. PRIVACY RIGHTS AND RELEASE OF INFORMATION**

CMHA recognizes that the right of privacy must be afforded to all Housing Choice Voucher applicants and participants. Therefore, disclosure of any information about applicants or participants that is maintained by CMHA is prohibited unless the family executes a release of information. CMHA may share family information with the appropriate federal agencies and other third parties in the course of conducting official agency business.

In accordance with HUD regulations, upon request from a prospective landlord or their designated agent, CMHA will provide the following information about the applicant:

- the family's current address
- the current landlord's address, telephone number

- the family's previous address (if available)
- the family's previous landlord's address and telephone number (if available).

CMHA is not responsible for any inaccuracies in the above information obtained from the family's file. No further information about the family will be provided unless the family gives the prospective landlord their written consent. CMHA reserves the right to verify that the person(s) requesting the information is an actual prospective landlord or their designated agent and requires them to release CMHA from any claims.

Information concerning CMHA's participating Housing Choice Voucher landlords may be obtained upon written request. CMHA may assess a fee for all records photocopied and/or the time spent to obtain the information from CMHA's computerized data systems.

All requests for the release of information about the Housing Choice Voucher Program and CMHA's administrative records and documents are subject to approval by CMHA pursuant to federal and state law.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 2: EQUAL OPPORTUNITY AND REASONABLE ACCOMODATION**

#### **OBJECTIVE I – OUTREACH TO LOWER INCOME FAMILIES**

##### **A. POLICY**

Provide widely disseminated information to low-income families on affordable housing opportunities in Franklin County.

##### **B. POLICY IMPLEMENTATION**

Announce when CMHA is accepting applications by placing advertisements in newspapers containing the following information:

- Application procedures
- Information sources for further information

Provide notices to local social service agencies, local radio and television stations and other agencies that provide services to low-income families in Franklin County.

Respond to telephone calls from interested families seeking information about the Program.

Provide program information on the CMHA Website ([www.cmhanet.com](http://www.cmhanet.com))

#### **OBJECTIVE II - PROMOTING GREATER HOUSING OPPORTUNITIES FOR FAMILIES OUTSIDE AREAS OF LOW-INCOME AND MINORITY CONCENTRATION**

##### **A. POLICY**

Make Housing Choice Voucher Program information available to owners and managers of decent and affordable housing in Franklin County and encourage current Housing Choice Voucher owners and managers to continue Program participation.

##### **B. POLICY IMPLEMENTATION**

Conduct a marketing program to broaden housing opportunities for low-income families assisted by CMHA's Housing Choice Voucher Program. Efforts to educate owners and promote CMHA's Housing Choice Voucher Program include the following:

- A Housing Choice Voucher landlord newsletter.
- An Internet website ([www.cmhanet.com](http://www.cmhanet.com)) containing information about the CMHA Housing Choice Voucher Program.

- Working meetings and seminars with landlords to explain Housing Choice Voucher regulations and CMHA policies.
- Customer service training for CMHA's Housing Choice Voucher staff.
- Active recruitment of units by staff during landlord contacts.

Approve Voucher Payment Standards at levels up to 110% of Fair Market Rents to enable families to locate units in low poverty areas within Franklin County.

Maintain a list of available vacant units by location, bedroom size, and housing type (duplex, single family, multi-family, etc.). Update the list monthly as owners inform CMHA that their units are available. Make the list available to Housing Choice Voucher applicants and participants.

Nothing in this Section shall be construed to violate the "finders-keepers" policy and the non-steering provisions of the tenant-based Housing Choice Voucher Program regulations.

### **OBJECTIVE III - ENSURING EQUAL OPPORTUNITY TO APPLICANTS FOR PARTICIPATION IN CMHA'S HOUSING CHOICE VOUCHER AND SHELTER PLUS CARE PROGRAMS**

#### **A. POLICY**

Select families for participation without regard to a family's age, race, color, gender, sexual orientation, familial status, creed, religion, disability, or national origin.

#### **B. POLICY IMPLEMENTATION**

CMHA's selection process is outlined in Chapter 5 of this Plan. CMHA ranks and selects applications based upon local admission preferences and other ranking factors without regard to a family's age, race, color, gender, sexual orientation, familial status, creed, religion, disability, or national origin. Families are selected from the applicant wait list whenever Housing Choice Vouchers are available.

### **OBJECTIVE IV - SERVICES AND ASSISTANCE TO FAMILIES WHO HAVE ALLEGED THEY HAVE ENCOUNTERED DISCRIMINATION DURING THEIR HOUSING SEARCH**

#### **A. POLICY**

Provide information on fair housing laws to all Housing Choice Voucher applicants and participants at group or one-on-one briefings.

## **B. POLICY IMPLEMENTATION**

Provide the HUD-903 Discrimination Claim Form to all families at their briefing with instructions to contact CMHA in the event that the family has reason to believe that they have been illegally denied housing. CMHA will assist families in completing the form and will refer families to the Columbus HUD Office for further investigation of their complaint.

CMHA will also refer any family who has a fair housing complaint to the Columbus Urban League, the Legal Aid Society of Columbus, or other agencies designated by HUD. CMHA will cooperate with these agencies in their investigation of the family's complaint.

Make available to families alleging discrimination a list of vacant units whose owners are willing to rent to Voucher holders.

## **OBJECTIVE V – EQUAL OPPORTUNITY FOR PERSONS WITH DISABILITIES SECTION 504 COMPLIANCE**

### **A. POLICY**

Qualified persons with disabilities must not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance solely by reason of their disabilities.

CMHA will afford persons with disabilities an equal opportunity to gain the same benefit or to reach the same level of achievement as those who do not have disabilities. A qualified person with a disability:

- Must be afforded an opportunity equal to that afforded others;
- Must be provided housing or benefits as effective as those afforded to others; and,
- May not be provided different or separate housing or benefits unless necessary to provide a person with a disability with housing or benefits that are as effective as those provided to others.

The Vice-President of the Housing Choice Vouchers Program is hereby designated as the Section 504 Compliance Officer for Housing Choice Voucher and Shelter Plus Care Programs.

### **B. POLICY IMPLEMENTATION**

Provide advice and assistance to disabled families as necessary in accordance with federal, State, and local law. Offer reasonable accommodation in administering the Housing Choice Voucher Program policies, in helping disabled families to find affordable and decent housing, and in complying with HUD and CMHA regulations and policies.

Provide program accessibility for persons with hearing or vision impairments.

Provide program and physical accessibility for persons with physical disabilities.

Consider requests for reasonable accommodation under the following circumstances:

- If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, CMHA will treat the information as a request for a reasonable accommodation, even if no formal request is made.
- The family must explain what type of accommodation is needed to provide the person with the disability full access to the PHA's programs and services.
- If the need for the accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability. **There must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.**

Offer reasonable accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability or in writing to CMHA.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and/or administrative burden on the PHA or fundamentally alter the nature of the PHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

## **GUIDELINES FOR CONSIDERING REQUESTS FOR REASONABLE ACCOMMODATION**

### **1. DEFINITION OF DISABILITY**

The regulatory civil rights definition for persons with disabilities is provided below:

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- Has a record of such impairment; or
- Is regarded as having such impairment.

The phrase "physical or mental impairment" includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genital-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term

“physical or mental impairment” includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

“Major life activities” includes, but is not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

“Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

“Is regarded as having an impairment” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

HUD’s definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the HCV program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability definition is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the elderly/disabled household deduction, the dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Some people will not qualify as a disabled person under the HCV program, yet an accommodation is needed to provide equal opportunity.

## **2. VERIFICATION OF DISABILITY**

Before providing an accommodation, the PHA must determine that the person meets the definition of a person with a disability and that the accommodation will enhance the family’s access to the PHA’s programs and services. If a person’s disability is obvious, or otherwise known to the PHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required.

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the PHA, the PHA must verify that the person meets the definition of a person with a disability and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the PHA will follow the verification policies provided in this Plan. All information related to a person's disability will be treated in accordance with the Plan's confidentiality policies. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability.
- The PHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA will not inquire about the nature or extent of any disability.

### **3. TYPES OF REASONABLE ACCOMMODATION**

A person with a disability may require special accommodations in order to have equal access to the Housing Choice Voucher Program. The types of reasonable accommodations CMHA can provide include changes, exceptions, or adjustments to a rule, policy, practice, or service.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the PHA, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

When needed, the PHA must modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the PHA range) if the PHA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA staff
- Displaying posters and other housing information in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.

#### **4. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION**

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of the PHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

After a request for an accommodation is presented, CMHA will respond, in writing, within 10 business days.

Before making a determination whether to approve or deny the request, the CMHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that CMHA may verify the need for the requested accommodation.

If CMHA denies a request for a specific accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the CMHA's operations), CMHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs.

If CMHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, CMHA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family.

#### **5. DENIAL OR TERMINATION OF VOUCHER ASSISTANCE**

CMHA's decision to deny or terminate the Voucher assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation. When reviewing reasonable accommodation requests, CMHA may consider whether any verifiable mitigating circumstances can explain and overcome the problem that led to the CMHA decision.

When applicants with disabilities are denied assistance, the notice of denial will inform them of the CMHA informal review process and their right to request a hearing. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal hearing process.

If a reasonable accommodation will allow the family to meet HCV Program requirements, CMHA may make the accommodation.

#### **6. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS**

At the initial point of contact with each applicant, the PHA will inform all applicants of alternative forms of communication that can be used.

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be made available.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents may be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with PHA staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

## **7. PHYSICAL ACCESSIBILITY ASSISTANCE**

When issuing a voucher to a family that includes an individual with physical disabilities, CMHA will include a current list of available accessible units known to the PHA and will assist the family in locating an available accessible unit, if necessary.

In general, owners must permit the family to make reasonable modifications to the unit. However, the owner is not required to pay for the modification and may require that the unit be restored to its original state at the family's expense when the family moves.

## **8. Access to LEP Services:**

The CMHA LEP Plan is available on the CMHA Website. The Plan is in English with interpretation of the document available upon request to CMHA

If during the course of an interview or other in person contact, the client demonstrates limited understanding or ability to communicate responses to questions or comments made, the CMHA employee must immediately ask if interpretive services are needed. If such services are needed or requested, the Client Service Supervisor will be contacted and arrangements made to set up a follow up interview with an interpreter present. The follow up appointment should be set for as soon as reasonably possible and mutually agreeable to the worker and the client.

Appointments rescheduled as a result of the need for interpreter services will not be considered a missed appointment for possible lease termination

Staff requests for interpreting and translating services will be arranged by and through Client Services Supervisor and or the respective unit supervisor's.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 3. ELIGIBILITY FOR ADMISSION**

To be eligible for initial placement on a Wait List and eventual receipt of a Voucher, a family must meet HUD's criteria for eligibility and any additional criteria established by CMHA in compliance with federal regulations.

HUD has established the following factors to determine eligibility:

- Family Composition
- Income Limits
- Provision of Social Security Numbers
- Qualifying citizenship or eligible immigrant status
- Consent to CMHA's collection and use of family information for family members
- Other Criteria for Admission that relates to prior history on CMHA's housing programs
- Background checks regarding drug related and violent criminal activity, detrimental alcohol abuse, and sex offender status

#### **A. FAMILY COMPOSITION**

The applicant must qualify as a Family. A family may be:

1. A single person or group of single persons:

A single person may be one of the following:

- An elderly person (see definition below);
- A disabled person (see definition below);
- A displaced person (see definition below); or,
- Any other single person.

2. A single person, a married couple, or two adult persons who will live regularly together in the same dwelling unit with a child or children.
3. A group of persons consisting of two or more elderly or disabled persons living together or one or more elderly or disabled persons living with one or more live-in aides.
4. An elderly and/or disabled household whose head or spouse meets the following definition where the household head or spouse must be:
  - 62 years of age or older;

- Handicapped with a physical impairment which is expected to be of long continued and indefinite duration, but does not prohibit independent living and is of such nature that the ability could be improved by more suitable housing conditions;
- Disabled pursuant to Section 223 of the Social Security Act or Section 102 of the Developmentally Disabled Act;
- An expectant mother unless she aborts prior to admission. If she aborts prior to admission, she will be classified as a single person ( see Section A1 above);
- A remaining member of a family assisted by CMHA's Housing Choice Voucher Program; or,
- A person displaced by governmental action, or a person whose dwelling has been extensively destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

### **Head of Household**

The head of household is the person who assumes legal responsibility for the household and is listed as such on the application.

A family may not designate an elderly family member as head of household solely to qualify the family as an Elderly Household. There can be a co-head if the adult members are not married and both claim to assume joint legal responsibility for the household and are listed on the application as co-head.

### **Live-In Aides**

A Family may include a live-in aide who:

- Has been determined by CMHA to be essential to the care and well being of the elderly, handicapped or disabled family member;
- Is not obligated for the support of the elderly, handicapped or disabled member; and
- Would not be living in the unit except to provide care of the elderly, handicapped or disabled family member. Their income will not be counted for purposes of determining eligibility or rent contribution.

Relatives are not automatically excluded from being live in aides, but must meet the definition described above.

The child of a live in aide is not entitled to an additional bedroom as the child is not needed to attend the elderly, handicapped or disabled individual . Live-in aides cannot be the remaining

members of the family's family if the person they are attending is no longer a participant in the Housing Choice Voucher Program.

To determine whether a live-in aide is "essential to the care and well being of the elderly, handicapped or disabled person," CMHA will send a third party verification request to a reliable medical source familiar with the family. The letter will request exact information on the services the applicant needs to justify why the live-in attendant is medically necessary.

## **B. INCOME LIMITATIONS**

The applicable income limit for admission is the income limit established by HUD for the area in which the family initially leases a unit and first becomes a Housing Choice Voucher participant.

A family is eligible if their annual income does not exceed the income limits or if the family:

- Is “continuously assisted” under the 1937 Housing Act. CFR part 511;
- Is a low-income non-purchasing family residing in a project subject to home ownership;
- Is a low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 165; or,
- Is residing in a HUD-owned multi-family rental housing project when HUD sells, forecloses, or demolishes the project.

“Continuously assisted” means that the family has been receiving assistance under the 1937 Housing Act when they apply to receive assistance under the CMHA Housing Choice Voucher Program. There may be a brief interruption of assistance from one of these programs and admission to the Voucher Program. To be eligible under the category of “continuously assisted,” the interruption of assistance cannot be greater than 90 days and the circumstances for the termination of housing assistance under the 1937 Housing Act must have been beyond the control of the family.

## **C. MANDATORY SOCIAL SECURITY NUMBERS**

Families are required to provide Social Security Numbers for all family members prior to admission,

If a family member cannot provide his or her Social Security card, other documents listed below showing his or her Social Security Number may be used for verification. He or she may be required by CMHA to provide one or more of the following alternative documents:

- Identification card issued by a federal, state or local agency;
- Identification card issued by an employer or trade union;
- Identification card issued by a medical insurance company;

- Earnings statements or payroll stubs;
- Bank statements;
- IRS Form 1099;
- Benefit Award letters from government agencies;
- Unemployment benefit letter;
- Retirement benefit letter;
- Life insurance policies; or,
- Court records such as real estate, tax notices, marriage, divorce, judgments, or bankruptcy records.

If CMHA verifies Social Security benefits with the Social Security Administration, the acceptance of the Social Security Number by the Social Security Administration will be considered documentation of its validity.

#### **D. OTHER CRITERIA FOR ADMISSION ELIGIBILITY**

1. The family must have paid any outstanding debt owed CMHA or another PHA on any previous tenancy in Public Housing or Housing Choice Voucher Programs unless excused by HUD or other federal regulation. The family must repay in full in order to be considered eligible for admission.
2. The family must not have been evicted or left any previous tenancy under the Housing Choice Voucher Program while in violation of a family obligation within the past three years of their preliminary application date or within the past 3 years from the date of final eligibility determination..
3. There is reasonable cause to believe that a family member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
4. No person may be admitted to the CMHA Housing Choice Voucher Program if they are subject to a lifetime registration as a sex offender under a State registration program; or
5. The family, including any family member listed on the application, must not have been convicted or pled guilty to **drug-related criminal activity** or **violent criminal activity** within the past three years of their preliminary application date or within the past 3 years from the date of final eligibility determination.

##### **Drug-related criminal activity means:**

- a. The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, a controlled substance (as defined in the Controlled Substance Act);
- b. The manufacturing or production of methamphetamine on the premises of any federally assisted housing;

- c. The illegal use or possession (other than with intent to manufacture, sell or distribute), of a controlled substance, except that such use or possession has occurred within 18 months of their final eligibility date;
- d. Drug related criminal activity does not include the use or possession if the family member can demonstrate that he/she:
  - 1) Has or has had an addiction to a controlled substance, has a record of such impairment, or is regarded as having such impairment, **and**;
  - 2) Is currently enrolled in or has successfully completed a substance abuse program and does not currently use or possess controlled substances.

**Violent criminal activity includes:**

- 1. Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage;
- 2. Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
- 3. Criminal activity that may threaten the health or safety of property owners and management staff, and persons performing contract administration functions or other responsibilities on behalf of the CMHA (including a CMHA employee, contractor, subcontractor, or agent).

Evidence of drug related and/or violent criminal activity or sexual offender status is based upon records obtained from public agencies or other reliable sources

**E. SUITABILITY OF FAMILY**

CMHA does not screen for factors such as credit rating or landlord references and makes no guarantee of the suitability of the applicant family as a tenant. Screening the family is the sole responsibility of the landlord.

**F. CHANGES THAT OCCUR BETWEEN FINAL ELIGIBILITY DETERMINATION AND LEASE DATE**

Changes in the family's economic circumstances or family composition that occur during this period will not affect eligibility to lease the unit and need not be reported until the annual reexamination or in accordance with our interim reporting requirements (see Chapter 15).

## **G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS**

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the CMHA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English. (See chapter 2 regarding LEP as a reasonable accommodation.)

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults since they are not considered to be household members.

### **1. U.S. Citizens and Nationals**

In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit the PHA to request additional documentation of their status, such as a passport. Family members who declare citizenship or national status will not be required to provide additional documentation unless the PHA has cause to believe that an individual's declaration may not be accurate.

### **2. Eligible Noncitizens**

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with PHA efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

### **3. Ineligible Noncitizens**

Those noncitizens who do not wish to contend their ineligible immigration status are required to have their names listed on a non-contending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their

ineligible immigration status. CMHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student in the United States. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

#### **4. Mixed Families**

A family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered mixed families. Such families will be given notice that their assistance will be prorated and that they may request a hearing if they contest this determination.

#### **5. Ineligible Families**

CMHA will not provide assistance to a family before the verification of the citizen or eligible immigration status of at least one family member. When a PHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, the family will be sent a written notice of the determination. The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance, and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with the PHA. The informal hearing may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process.

### **H. INDEPENDENT STUDENT STATUS**

CMHA will consider a student "independent" from his or her parents and the parents' income will not be considered when determining the student's eligibility if the following four criteria are all met:

1. The individual is of legal contract age under state law.
2. The individual has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of independent student. To be considered an independent student according to the Department of Education, a student must meet one or more of the following criteria:

- Be at least 24 years old by December 31 of the award year for which aid is sought.
  - Be an orphan or a ward of the court through the age of 18.
  - Be a veteran of the U.S. Armed Forces.
  - Have one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent).
  - Be a graduate or professional student.
  - Be married.
3. The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.
4. The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 4: APPLICATION POLICIES AND PROCEDURES**

This Chapter describes the Web-Based Preliminary Application Process, the Lottery System for establishing and adding to Wait Lists, the Full Application Process and related matters.

### **1. WEB-BASED PRELIMINARY APPLICATIONS**

CMHA has implemented a Web-Based Application System for its Housing Choice Voucher Program. With limited exceptions, all Preliminary Applications must be submitted electronically. The on-line Application can be accessed on CMHA's website ([www.cmhanet.com](http://www.cmhanet.com)) from any Internet capable device (personal computer, cell phone, tablet, etc.). For applicants without Internet access, CMHA will provide computer access at a number of Public Housing sites (listed below) where applications may be entered. Disabled, handicapped or other disadvantaged persons without Internet access or requiring special accommodations may contact the CMHA offices at 614-421-6000.

Rosewind – 1400 Brooks Avenue  
Sawyer Manor – 940 Caldwell Place  
Post Oak Station – 1383 Vida Way

### **2. LOTTERY SYSTEM**

CMHA has adopted a lottery-based procedure for establishing a Wait List for receipt of a Housing Choice Voucher – date and time of application no longer determine an applicant's position on the Wait List. Based upon information submitted in the Preliminary Application, all eligible applicants will be placed in a Lottery Pool. As Vouchers become available, names will be drawn from the Pool, assigned a Lottery Number in the order drawn, and placed in groups on the Wait List based upon their preliminary assignment of Preference Points and by Lottery Number within groups.

Applications will be taken continuously or for specified periods of time – eligible applicants will have an equal chance of being drawn in the Lottery irrespective of the date and time of their application. Names will be drawn from the Pool as needed. The number of applicants drawn from the Pool will take into consideration the number remaining on the wait list and CMHA's estimate of the number of Vouchers becoming available for issuance.

Once an applicant is added to the Wait List, Full Application processing will begin. Final placement on the Wait List will be based upon the number of Admission Preference Points assigned at the completion of this processing. When multiple applications have the same number of Preference Points, the Lottery Number will determine the order of Voucher issuance. Applicants may be denied placement on or removed from a Wait List if they are determined to be ineligible for any reason or fail to comply with HCV program requirements.

**Lottery Pool Exceptions:** From time to time, HUD awards Housing Choice Vouchers to CMHA that are used for targeted populations, and CMHA also enters into contracts and agreements with supportive service providers under the HCV Project Based Voucher program that are used to provide the housing component of sponsor organization efforts to address the needs of special populations. These applications will not be placed in the Lottery Pool, but will be added to the Wait List and, based upon their Admission Preference points as described in Chapter 4, issued Vouchers as they become available.

### **3. CURRENT WAIT LIST**

Families on the current Wait List on the effective date of this policy will be automatically placed in the Lottery Pool. Because of the change in Application Policies and Procedures, CMHA has determined that families on the current Wait List will be pre-assigned a Lottery Number - e.g. , from 1 to 500 – at the time their Preliminary Applications are placed in the Lottery Pool. When a determination is made to add names to the Wait List, as names are drawn from the Lottery Pool, these current families will retain that Lottery Number. New Preliminary Applications will then be assigned a Lottery Number beginning at 501. As names are drawn from the Lottery Pool to be added to the Wait List and ranked and grouped in order of Preference Points received, if there are ties within ranking groups, the lower Lottery Number will place the current families on the Wait List ahead of the new applicants.

### **4. DISADVANTAGED POPULATIONS AND USE OF PROJECT-BASED VOUCHERS**

The Housing Choice Voucher Program and CMHA Admission Preferences allow CMHA to convert a limited percentage of its Vouchers from Tenant-Based to Project-Based Vouchers. In order to meet its objectives in serving disabled, handicapped and other low-income disadvantaged populations in the community, CMHA has elected to competitively award and commit Vouchers to organizations that make a commitment to providing supportive and social services to those families during the term of the Voucher. Applications under these CMHA commitments will bypass the Lottery Pool and be requested to submit a Full Application for verification and determination of eligibility and final assignment of Admission Preference Points before being placed on a Wait List.

### **5. INCOME TARGETING REQUIREMENTS**

No less than 75% of the families admitted to CMHA's HCV programs during any calendar year must be Extremely Low-Income families earning less than 30% of the Columbus area median income as adjusted for family size. (Once admitted to the HCV program, incomes are permitted – and encouraged – to rise.) No family may be admitted to the HCV program if its earnings exceed 80% of the area median income as adjusted for family size. (These limits may be found on the CMHA Website ([www.cmhanet.com](http://www.cmhanet.com))). Applicants added to the Wait List whose family earnings exceed the 30% limit may face a delay in receipt of a Voucher if CMHA is unable to meet the 75% test at a particular point in time; however, they will remain on the Wait List.

## **6. APPLICATION PROCESS**

There will be four steps in the application process leading to issuance of a Voucher to an eligible applicant that meets HUD and CMHA requirements:

- A. Preliminary Applications**
- B. Lottery Pool Placements**
- C. Wait List Drawing (Lottery)**
- D. Submission of a Full Application**

### **A. Preliminary Applications**

Anyone may submit a Preliminary Application for a Voucher. This Application is a self-declaration by the family of their family composition, income, assets and other information and must be completed in its entirety:

- Legal names and birth dates of all household members;
- Social Security Numbers
- Gender and relationship of family members;
- Address and telephone number;
- Amount and source of all income and assets;
- Information to confirm any disabilities of family members; and,
- Information related to selection preferences and criminal history, if any.

At this point, the information is not verified by CMHA, and no interview is required. Incomplete applications will be rejected in writing and may be resubmitted with new or revised information.

### **B. Lottery Pool Placement**

Preliminary Applications will be assigned provisional Admission Preference Points based upon the information submitted and placed in the Lottery Pool. (Admission Preference Points and CMHA priorities are described in Chapter 5)

After two years in the Lottery Pool without being drawn and placed on a wait list, the applicant will be notified that a new Preliminary Application must be submitted with updated information. All applications – new or updated - in the Lottery Pool, no matter when submitted, will have an equal chance of being drawn in the Lottery. Failure to submit updated information will result in the being withdrawn from the Lottery Pool.

### **C. Wait List Drawing (Lottery)**

CMHA will draw names from the Lottery Pool as Vouchers become available and applicants need to be added to the Wait List. As names are drawn, families will be assigned a Lottery Number based on the order of the drawing.

Applicants whose names are drawn will be notified and asked to confirm that they continue to be interested in receiving a Voucher. If no confirmation is given, the Application will be rejected and receive no further consideration. After confirmation is received, the applicant will be added to the Wait List in the appropriate Admission Preference (provisional) Points group and in the order based upon the Lottery Number within those groups.

### **D. Submission of the Full Application**

When CMHA determines that a Voucher can be issued to a family on the Wait List within 60 days, the Full Application process will be initiated. CMHA will mail a Personal Declaration Form to the family and schedule an interview. The Form must be completed by the family and brought to the scheduled interview.

CMHA will evaluate and verify current income, family composition and other information needed to determine program eligibility and the final determination of Admission Preference Points. Submission of fraudulent information in the Preliminary Application or Full Application can result in being removed from the Wait List and the Lottery Pool.

After the Full Application has been approved and a Final Determination of Eligibility is made, the application will be placed in its proper position on the Wait List. Vouchers will be issued from the Wait List based upon the number of verified Admission Preference Points and the Lottery Numbers. The timing of Voucher issuances will depend upon their availability.

## **7. FULL APPLICATION PROCESSING**

### **A. Requirement to Attend Scheduled Meeting**

The household head or spouse is required to attend the interview and sign the housing application. All adult members must sign the application and sign the required forms. If they cannot attend the scheduled interview appointment, it is the family's responsibility to reschedule the interview prior to the scheduled date. If the family misses their appointment, the family must contact CMHA to reschedule the appointment within 10 calendar days after the day of the initial appointment. If the family does not reschedule within 10 days, CMHA will reject the application. Families will be notified in writing if the application is rejected for this reason. No more than two appointments may be scheduled for the purpose of starting the full application process.

Rejection of the full application means that the household will be removed from the Wait List and the Lottery Pool and must wait six months from their rejection date before they can resubmit a Preliminary Application.

### **B. Submission and Verification of Full Application Information**

Information provided by the family on family composition, income, assets, allowances and deductions, preference status, full time student status, and other factors relating to eligibility must be verified before the family is issued a Voucher. Third party verifications (sent by mail) and by Internet are preferred. Verification requirements are described in Chapter 8.

At the family's initial appointment, CMHA may require the family to provide additional documents or certifications in order to complete the Full Application process. CMHA will schedule a "need-more" appointment with the family to enable the family to give the requested items directly to the application caseworker. The caseworker may also request that the family return or mail the additional needed items to CMHA's offices. A deadline for receiving required documents in person or by mail will be given to the family in writing and noted in the family's file.

CMHA will give a family no more than two opportunities, each with a 10-day response time, to provide the required additional information (for Social Security Numbers and legal name discrepancies, the family will be given a 30 day response time on the initial opportunity to respond). The family's refusal or inability to provide the requested information shall be grounds for removal from the Wait List, and there will be a six-month waiting period from the date of their removal before CMHA will accept a new Preliminary Application.

### **C. Final Determination and Notification of Eligibility**

Because HUD periodically issues changes in rules and regulations and because family circumstances may have changed between the Preliminary Application and the Full Application, CMHA will make a Final Determination of Eligibility and notify the family in writing after the Full Application and verification process is completed. The household is not eligible for Voucher issuance until this Final Determination has been made.

## **8. GROUNDS FOR DENIAL OF ELIGIBILITY OR ADMISSION**

In accordance with HUD regulations, CMHA may deny assistance to families or placement on a waiting list if any of the following conditions exist:

- If a member of the family has been evicted from Public Housing within the past three years from the court awarded eviction date.
- If CMHA has terminated assistance in CMHA's Voucher Program for any adult member of the family for program violations within the past three years from the termination date.

- If a member of the family has been convicted of or pled guilty to a drug-related or violent criminal activity within the past three years from placement on the wait list (preliminary eligibility date or from the final eligibility determination date).
- If a member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program at any time (life-time ban).
- If a family member has been engaged in the manufacturing or production of methamphetamine on the premises of any federally assisted housing at any time (life time ban).
- If a family member is subject to lifetime registration as a sexual offender at any time (life-time ban).
- If a family owes rent or other amounts to CMHA or to another housing authority in connection with the Housing Choice Voucher or Public Housing Program.
- If a family has not reimbursed a housing authority for amounts paid to an owner under a HAP contract for tenant-caused damages to the unit or other amounts owed by the family under the lease.
- If a family has breached an agreement with a housing authority to pay amounts owed to a housing authority.
- If a family has engaged in or threatened abusive or violent behavior toward CMHA staff in the course of making and completing an application for housing assistance.

For applicants under the sponsorship of a supportive services organization (e.g., the Columbus Shelter Board's Rebuilding Lives Program), the three-year period of ineligibility for drug and violent criminal activity is reduced to a 1-year period. All other eligibility conditions must be met.

With the exception of the sexual offender status, this section shall not apply to admission to the Shelter Plus Care Program. CMHA does not select participants for the Shelter Plus Care Program but does screen them for HCV program eligibility.

## **9. RIGHT TO INFORMAL REVIEW**

Applicants who are denied eligibility for or admission to the Housing Choice Voucher Program at either the Preliminary or Full Application stage are entitled to an informal review of the decision.

Ineligible families will be sent a letter stating the reason for their ineligibility and offering them an opportunity for an informal review. Families must submit their request for a review in writing to CMHA within 10 calendar days from the date of the notification. Informal reviews shall be conducted in accordance with Chapter 16 this Plan.

CMHA's decision to withdraw from the wait list the name of an applicant family that includes a person with disabilities is subject to reasonable accommodation in accordance with 24 CFR, Part 8. If the family did not respond to the CMHA's request for information or updates because of the family member's disability, CMHA will reinstate the applicant in the family's former position on the Wait List.

## **10. PRELIMINARY APPLICATION UPDATES**

Completed Preliminary Applications will be placed in the Lottery Pool. If not placed in the Lottery Pool, the family will be notified of the rejection and offered the opportunity to submit a new Preliminary Application with revised information.

After being placed in the Lottery Pool, applicants are responsible for reporting changes in family circumstances (addresses, income, family composition, etc.) electronically via the Applicant Information Update feature on the CMHA Website. This information will be used to re-evaluate the assignment of provisional Admission Preference Points. Failure to provide accurate information may result in failure to be added to the Wait List or to qualify for Voucher issuance.

## **11. APPLICATION EXPIRATION POLICY**

Preliminary Applications will be retained in the Lottery Pool for two years. If they have not been drawn in the Wait List Lottery by that time, the applicant will be notified that the Preliminary Application has expired and that a new Preliminary Application must be submitted for future consideration.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 5: ADMISSION PREFERENCES**

In order to fulfill its mission of providing rental housing subsidies to persons and families in need of assistance, CMHA has established a number of Admission Preferences for the issuance of Housing Choice Vouchers. These Preferences represent CMHA's policy determinations as to which HCV and PH program applicants should receive priority in the receipt of rental housing assistance.

This chapter describes the HUD and CMHA Admission Preferences that will be used to determine local priorities in the issuance of **Housing Choice Vouchers**.

Applicants will also be required to meet the HUD and CMHA eligibility requirements that are described in Chapter 3. HCV Application and Wait List Policies and Procedures are described in Chapter 4.

#### **1. HUD MANDATED TARGETING**

**A.** HUD requires that no less than 75% of the families admitted to CMHA's HCV programs during any calendar year be Extremely Low-Income families earning or receiving income less than 30% of the Columbus area median income as adjusted for family size. (Once admitted to the HCV program, incomes are permitted – and encouraged – to rise.) Further, no family may be admitted to the HCV program if its earnings and/or total income exceed 80% of the area median income as adjusted for family size. (These limits may be found on the CMHA Website ([www.cmhanet.com](http://www.cmhanet.com))). Applicants added to a Wait List whose total family income exceed the 30% limit may face a delay in receipt of a Voucher if CMHA is unable to meet the 75% test at a particular point in time; however, they will remain on the Wait List.

**B.** HUD, from time to time, provides Vouchers to CMHA for targeted populations (e.g., residents displaced by demolition of public housing units or for the near-elderly disabled). Issuance of these vouchers must be to the targeted population and are not subject to the wait list criteria of the HCV program. Accordingly, CMHA's local Admission Preferences are not applicable.

## **2. CMHA ADMISSION PREFERENCES**

CMHA has established the following Local Admission Preferences that will be used to select applicants to be placed on a Wait List and be issued a Housing Choice Voucher:

- A.** Under 30% of Area Median Income (HUD 75% Program requirement)
- B.** Family Composition Preference
  - 1.** Families with 2 or more persons
  - 2.** Families that include a person with disabilities.
  - 3.** A household headed by a disabled or elderly person (62 years or older)
  - 4.** Single persons who are age 62 or older, displaced, homeless or is a person with disabilities.
- C.** Families residing in or who have been hired to work in the eight county Columbus Metropolitan Area (Franklin, Union, Delaware, Madison, Pickaway, Licking, Union and Fairfield).
- D.** An active duty military or veteran's preference pursuant to the Ohio Revised Code
- E.** Families not receiving any permanent rental assistance. Rental assistance is defined as any type of federal, state, or local housing rental assistance payment that is currently received by the family. Examples include, but are not necessarily limited to, HOPWA, HOME, Section 202 rental assistance, Shelter Plus Care, Ohio Department of Alcohol and Drug Addiction Services and/or Mental Health rental assistance, Housing Choice Voucher Project-Based, or Public Housing Programs. Rental Assistance does not include any type of rental assistance that is categorized as temporary or transitional in nature.
- F.** Referrals from social service and housing organizations providing supportive services to participants in CMHA's Project-Based Voucher Program.
- G.** Referrals from local supportive service organizations that have agreements with CMHA to provide supportive services to homeless, displaced and/or disabled persons and families and other at-risk populations, including referrals from Columbus Community Shelter Board agencies and the Franklin County ADAMH Board.
- H.** CMHA public housing families who elect to permanently relocate because of a Rental Assistance Demonstration (RAD) conversion at their development that requires relocation.

## **3. ASSIGNMENT OF ADMISSION PREFERENCE POINTS**

As Preliminary Applications are submitted and placed in the Lottery Pool, Admission Preference Points will be assigned without verification on a provisional basis. At the time Full Applications

are submitted, all information will be reviewed and verified and a final assignment of Admission Preference Points that governs Wait List priorities will be made.

Applicants will receive points for each Preference for which they qualify, and the points will be added to determine a ranking number. Points will be assigned as follows (indexing corresponds to the information immediately above):

**A. HUD Mandated Preference** - Under 30% of AMI adjusted for family size 3 Point

**B. Family Composition Preference** - Applicants are only entitled to points from one of these sub categories for a maximum of 11 points:

- |   |           |
|---|-----------|
| 1. Families with 2 or more persons  | 11 Points |
| 2. Families that include a person with disabilities.  | 11 Points |
| 3. Household headed by a disabled or elderly person (62 or older)                             | 11 Points |
| 4. Single persons who are age 62 or older, displaced, homeless or a person with disabilities. | 11 Points |

**C. Metropolitan Area Resident** 1 Point

**D. Veteran Preference per Ohio Revised Code** 1 point

**E. Families not receiving any permanent rental assistance** 5 Points

**F. Project Based Voucher Program referrals (see footnotes below)** 30 Points

**G. Supportive Service Provider referrals (see footnotes below)** 30 Points

**H. RAD relocation of CMHA public housing families** 30 points

**Footnotes to F and G**

**1. Applicants receiving 30 points under admission preferences F or G above will not be placed in the lottery pool (see chapter 4) but will be added to the existing wait list as priority preference placements.**

**2. Category F, project based voucher program referrals, are CMHA contractual obligations and are limited to the number of project based vouchers under HAP contract.**

**3. Category G, supportive service provider referrals, are CMHA obligations based upon agreements with sponsor organizations and may not exceed 200 vouchers at any time.**

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 6. DETERMINATION OF VOUCHER SIZE**

#### **A. NUMBER OF BEDROOMS**

HUD regulations require that CMHA establish standards for determining the number of bedrooms and unit size a family is entitled to under the Housing Choice Voucher Program. The unit size assigned is designed to avoid overcrowding and serves as the basis for determining maximum rent that can be paid to an owner for the unit selected by the family.

The Housing Choice Voucher unit size remains the same as long as the family composition remains the same, regardless of the actual unit size selected (see B below).

The number of bedrooms is based on the following number of persons per household. **HQS Standards allow 2 persons per living/sleeping room and would permit the following occupancy conditions, assuming that a living room qualifies as a living/sleeping area:**

<b>Bedroom Size</b>	<b>Minimum No. of Persons in Household</b>	<b>Maximum No. of Persons in Household</b>
0-BR	1	1
1-BR	1	4
2-BR	2	6
3-BR	3	8
4-BR	4	10
5-BR	5	12
6-BR	6	14

The Payment standards for the Housing Choice Voucher are also subject to the following guidelines:

- It will not be necessary for persons of different generations or opposite sex, except for spouses (or those living as spouses) to occupy the same bedroom;
- Two children of the same sex may share a bedroom. CMHA may grant a larger bedroom size to accommodate different generations (ten years or greater);
- A single head of household shall not be required to share a bedroom with his/her children; and,
- A single individual with no other children who informs CMHA that she is pregnant at the time of her Voucher issuance may be assigned a 2-Bedroom Voucher.

The family may request a larger bedroom size Voucher by providing a written justification to CMHA. The family's request must be made within 10 days of the initial appointment to issue the Voucher.

CMHA will consider the request according to the conditions outlined in this Plan and determine whether or not the request will be granted. The necessity for an exception to unit size standards must be verified and documented. The granting of the exception shall be at the sole discretion of CMHA.

Special circumstances may dictate a larger bedroom size Voucher than the Payment Standards permit:

- Spouses who, because of verified medical reason, cannot share a bedroom and cannot locate a dwelling unit that has another room that can qualify as a sleeping area; or,
- An elderly person or person with a disability who requires a live-in attendant.
- Medical or therapy equipment of a size that requires a separate room.

CMHA will review the request and give the larger bedroom size Voucher if CMHA determines the request is reasonable.

## **B. UNIT SIZE SELECTED**

The family may select a smaller or larger dwelling unit size than the bedroom size that is listed on the Voucher with the following conditions:

- **Rent burden limitation.** The family's rent burden must not exceed 40 percent of the total cost of rent and utilities for the unit in question at initial lease up.
- **Utility Allowance.** The utility allowance used to calculate the gross rent is based on the **lower of the** actual size of the unit the family selects **in the voucher size issued.**
- A Project-based voucher **must** match the unit bedroom size being submitted.

## **C. DOCUMENTATION**

Modifications from the above listed policies must be documented in the applicant file.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 7 - INCOME AND PAYMENT DETERMINATIONS**

#### **INTRODUCTION**

A family's income determines eligibility for assistance, the amount of the family rent payment to the landlord and the amount of the rent payment made by CMHA to the landlord. CMHA must ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the Program regulations. This chapter describes HUD regulations and CMHA policies related to these topics in three parts:

#### **Part 1: Annual Income**

HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and CMHA policies for calculating annual income are found in Part I.

#### **Part 2: Deductions and Adjustments to Income Determinations**

Once annual income has been established, HUD regulations require CMHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and CMHA policies for calculating adjusted income are found in Part II.

#### **Part 3: Calculating Family Share of Rent and CMHA Payment**

This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining CMHA Payment and required family share of rent payment.

# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 7. INCOME AND RENT DETERMINATIONS**

### **PART 1. ANNUAL INCOME**

#### **INTRODUCTION**

A family's income determines eligibility for assistance, the amount of the family rent payment to the landlord and the amount of the rent payment by CMHA to the landlord. CMHA must ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the Program regulations. Part I describes HUD regulations and CMHA policies related to Annual Income.

#### **A. OVERVIEW**

Annual income means all amounts which:

- (1) Are received by, or on behalf of, the family head or spouse (even if temporarily absent) and by any other family member, even if the funds are mailed to or accepted by another person who resides at another residence;
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date;
- (3) Are derived from assets to which any member of the family has access during the 12-month period following admission or annual reexamination effective date; and
- 4) Are derived from the operation of a family owned business (see Section G).

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets and are more fully described in the balance of Chapter 7-1, 7-2 and 7-3. (Also, see Exhibit 7-1 Annual Income Inclusions)

#### **B. HOUSEHOLD COMPOSITION AND INCOME**

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition when they occur. The rules on which sources of income are counted vary somewhat by family member. The following chart summarizes how family composition affects income determinations:

<b>Summary of Income Included and Excluded by Person</b>	
Live-in aides	Income from all sources is excluded as live in aides are not members of the household
Foster child or foster adult	Income from all sources is excluded
Head, spouse, or co-head Other adult family members	All sources of income not specifically excluded by the regulations are included.
Children under 18 years of age	Employment income is excluded All other sources of income, except those specifically excluded by the regulations, are included.
Full-time students 18 years of age ( <u>including high school students</u> ) or older (not head, spouse, or co-head)	Employment income above \$480/year is excluded All other sources of income, except those specifically excluded by the regulations, are included.

## **1. Temporarily Absent Family Members**

### **Families must report absences and changes to household composition to CMHA when they occur.**

Families must notify CMHA in writing within 10 calendar days of the absence of any household member from the unit expected to last more than 30 consecutive days. The family must supply CMHA with requested information on the reasons for family member absences. The family's failure to report absences or refusal to cooperate shall be grounds for termination.

If the entire family is absent from the unit for more than 90 days in a calendar year, except for medical circumstances described below, the unit will not be considered to be their only place of residence and they will be terminated from the program.

CMHA will use the following in considering whether the absence of a family member is acceptable and whether the absence constitutes a basis for adjusting voucher size and/or income and rent calculations:

#### **a. Absence of children**

In a one parent home, if one or more children are removed from the parent by a child welfare agency, the family must provide written verification of the removal and the expected return date from the welfare agency or authorize CMHA to contact the child welfare agency to obtain this information. During the absence, the parent will retain eligibility as a remaining member of the family but, absent unusual circumstances, may be issued a smaller Voucher if the children are projected to be out of the home for more than six months from the initial removal date.

#### **b. Absence of Spouse**

If a spouse leaves the household and has been or will be absent for 3 months (90 days) or more, absent extenuating circumstances based on information provided by the family, the spouse will be removed from the lease. Absences due to school attendance or job training will not result in

removal from the lease unless a permanent residence is established in another location or a change in family composition is requested.

**c. Absence of Adult Children**

If an adult child has left the household and has been or will be absent for 3 months (90 days) or more, he/she will be considered permanently absent unless there are extenuating circumstances approved at CMHA's sole discretion. This includes adult children who enter the military service.

Military members returning from active duty may be added to the family's lease within 6 months of returning to civilian status at the Landlord's discretion, and then to the Voucher if the Landlord approves and if the family will continue to qualify for the Voucher Program. Only the returning military member may be considered.

A student (other than husband or wife) who attends school and resides away from home but lives with the family during school recesses may be considered permanently absent (income not counted, not on lease, not counted for Voucher size) or temporarily absent (income counted, on lease, counted for Voucher size) at the family's option. If CMHA learns that the student has established a separate household or the family declares that the student has established a separate household, the student will be removed from the lease and the voucher.

**d. Absences Due to Placement in Foster Care**

Children temporarily absent from the home as a result of placement in foster care are considered members of the family for purposes of determining Voucher size unless they are projected to be out of the home for more than six months from the date of placement.

**e. Absence of Head of Household**

If a head of household leaves the household and has been or will be absent for 3 months (90 days) or more, absent extenuating circumstances based on information provided by the family, the head of household will be removed from the lease. If qualified for the Voucher Program, the remaining family member(s) may be re-issued a Voucher. Absences due to school attendance or job training will not result in removal from the lease unless a permanent residence is established in another location or a change in family composition is requested.

**2. Family Members Permanently Confined for Medical Reasons**

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted in the rent calculation. If requested, the family must present evidence that the former family member is confined on a permanent basis and should be removed from the lease and the Voucher..

When a confined individual who has been counted as a family member is permanently absent, the family is eligible for the medical expense deduction only if the remaining head, spouse, or co-head qualifies as an elderly person or a person with disabilities.

### **3. Re-admittance of an Elderly or a Disabled Person**

A single elderly or disabled person may be re-admitted to the Voucher Program if they were terminated for being out of their unit for longer than 6 months for a medical reason. A request for re-admittance must be made within 1 year of their termination date and a Voucher must be available for issuance.

### **4. Joint Custody of Dependents**

Dependents that are subject to a joint custody (shared parenting) arrangement will be considered a member of the family if they live with the applicant or participant family 51 percent or more of the time.

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, CMHA will make the determination based on available documents such as court orders, or shared parenting agreements.

## **C. ANTICIPATING ANNUAL INCOME**

CMHA is required to count all income anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date. Policies related to anticipating annual income are provided below:

### **1. Basis of Annual Income Projection**

#### **a. Anticipated Income**

CMHA generally will use current circumstances (defined as circumstances at time of application or recertification interview) to determine anticipated income for the coming 12-month period. HUD authorizes CMHA to use other than current circumstances to anticipate income when:

- 1) An imminent change in circumstances is expected;
- 2) It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income); or
- 3) CMHA believes that past income is the best available indicator of expected future income. (because the tenant has had a consistent pattern of income during the preceeding 2-3 years)

When CMHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), CMHA will review and analyze historical data on employment patterns, paid benefits, tax returns, and receipt of other income to establish anticipated annual income. The rationale for this decision will be

documented in the file. The family may present information and documentation to CMHA to show why the historic pattern does not represent the family's anticipated income.

**b. Known Changes in Income**

If CMHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

**Example:** An employer reports that a full-time employee who has been receiving \$6/hour will begin to receive \$6.25/hour in the eighth week after the effective date of the reexamination. In such a case CMHA would calculate annual income as follows:  $(\$6/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$6.25 \times 40 \text{ hours} \times 45 \text{ weeks})$ .

**c. Using the Enterprise Income Verification (EIV) System to Determine Anticipated Income**

The EIV is a HUD authorized system that maintains computerized information about earnings and benefits. Where possible, EIV information is used by CMHA in conjunction with family-provided documents to aid in determining and verifying the family's anticipated income. (Use of EIV in verifying family income is described in Chapter 8.)

If there are differences between EIV and family-provided income data discovered while making an anticipated income determination, CMHA will treat the differences as follows::

**No Substantial Difference (Less than \$200 per month)**

If EIV information for a particular income source differs from the information provided by a family by less than \$200 per month, CMHA will:

Use the family's information if the EIV figure is less than the family's figure.

Use the EIV data if the EIV figure is more than the family's claim, unless the family provides documentation of a change in circumstances to explain the discrepancy (e.g., a reduction in work hours). Upon receipt of acceptable family-provided documentation of a change in circumstances, CMHA will use the family-provided information.

**Substantial Difference (More than \$200 per month)**

If EIV information for a particular income source differs from the information provided by a family by \$200 or more per month, CMHA will:

Request and document third-party verifications from income sources.

Analyze all EIV, third-party, and family-provided data and attempt to resolve the income discrepancy.

Use the most current verified income data and, if appropriate, historical income data to calculate anticipated annual income.

#### **D. TYPES OF EARNED INCOME INCLUDED IN RENT CALCULATIONS**

##### **1. Wages and Related Compensation**

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income. For persons who regularly receive bonuses or commissions, CMHA will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, CMHA will use the prior year amounts. In either case the family may provide, and CMHA will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, CMHA will count only the amount estimated by the employer.

##### **2. Some Types of Military Pay**

All regular pay, special pay and allowances of a member of the Armed Forces who is a household member are counted except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

#### **E. TYPES OF EARNED INCOME NOT COUNTED IN ANNUAL INCOME AND RENT CALCULATIONS**

(A complete list of exclusions is found in Exhibit 7-2 and 24 CFR 5.609(c))

##### **1. Temporary, Nonrecurring, or Sporadic Income**

This type of income (including gifts) is not included in annual income. Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income exists.

##### **2. Children's Earnings**

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income.

##### **3. Certain Earned Income of Full-Time Students (Age 18 years or older)**

Earnings in excess of \$480 for each full-time student 18 years old or older (except for the head, spouse, or co-head) are not counted. To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program.

#### **4. Income of a Live-in Aide**

Income earned by a live-in aide is not included in annual income.

#### **5. Exclusion of Income Earned under Certain Federal Programs**

Income from some federal programs is excluded from consideration as income including:

- a) Payments to volunteers under the Domestic Volunteer Services Act of 1973.
- b) Payments received under programs funded in whole or in part under the Job Training Partnership Act.
- c) Awards under the federal work-study program.
- d) Payments received from programs funded under Title V of the Older Americans Act of 1985.
- e) Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990.
- f) Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998.

#### **6. Resident Service Stipends**

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed \$200 per individual per month) received by a tenant for performing a service for CMHA or an owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No tenant may receive more than one such stipend during the same period of time.

#### **7. Income From State , Local and Other Employment Training Programs**

Incremental earnings and benefits to any family member resulting from participation in qualifying state, local or other employment training programs and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program.

Training may include, but is not limited to:

- (1) classroom training in a specific occupational skill,
- (2) on-the-job training with wages subsidized by the program, or
- (3) basic education.

CMHA defines incremental earnings and benefits as the difference between:

- (1) the total amount of welfare assistance and earnings of a family member prior to

enrollment in a training program, and

(2) the total amount of welfare assistance and earnings of the family member after enrollment in the program.

In calculating the incremental difference, CMHA will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the family's most recently completed HUD-50058 or at the time of the annual reexamination.

#### **8. Income From HUD-Funded Training Programs**

Amounts received under training programs funded in whole or in part by HUD are excluded from annual income. To qualify as a training program, the program must meet the definition of training program provided above for State and Local Employment Training Programs.

#### **9. Earned Income Tax Credit**

Earned income tax credit (EITC) refund payments received on or after January 1, 1991 are excluded from annual income. Although many families receive the EITC annually when they file taxes, EITC payments can also be received throughout the year. The prorated share of the annual EITC is included in the employee's payroll check.

#### **10. Earned Income Disallowance For Persons With Disabilities (This does not apply to applicants)**

The earned income disallowance (EID) encourages people with disabilities who are already HCV program participants to enter the work force by not including the full value of increases in earned income for a limited period of time, thereby reducing the amount of rent paid by the family.

Eligibility, calculation of the disallowance, the exclusive periods and the life time limitations are described in Exhibit 7-4. Eligibility and status will be reviewed and verified at each annual reexamination.

#### **11. Reimbursements**

Amounts received by a participant in other publicly assisted programs which are specifically for reimbursement of out-of-pocket expenses incurred by participant (e.g., special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

### **F. BUSINESS INCOME**

Annual income includes "net income" (as determined by applicable Internal Revenue Service rules) from the operation of a business or profession. Expenditures for business expansion or

amortization of capital indebtedness shall not be used as deductions for determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

#### **G. INCOME FROM ASSETS**

There is no asset limitation governing participation in the HCV program. However, HUD requires that CMHA include in annual income the interest, dividends, and other net income of any kind from real or personal property. CMHA will review with the applicant/participant CMHA's calculated value of reported assets and income derived therefrom in determining anticipated income and the tenant rent payment. (See Exhibit 7-3 for additional information on Treatment of Income from Family Assets.)

The following are considered to be assets:

1. Checking and Savings Accounts
2. Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds
3. Equity in Real Property or Other Capital Investments
4. Trusts
5. Retirement Accounts
6. Personal Property (e.g., gems, jewelry, and other items not essential for day-to-day living activities) and held as an investment
7. The cash value of Life Insurance

When net family assets are \$5,000 or less, CMHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of \$5,000, CMHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD-established passbook savings rate.

#### **H. PERIODIC PAYMENTS**

##### **1. Periodic Payments Included in Annual Income**

Periodic payments received on a regular basis from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family. These payments also include disability or death benefits and lottery receipts paid periodically rather than in a single lump sum.

## **2. Lump-Sum Payments for the Delayed Start of a Periodic Payment**

Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic Social Security (SS) or Supplemental Security Income (SSI) payments are not counted as income.

When a delayed-start payment (other than SS or SSI) is reported as anticipated income at the time when CMHA is processing an initial or annual reexamination, CMHA will consider the anticipated income in the rent determination.

## **3. Periodic Payments Excluded from Annual Income**

- a. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone).
- b. CMHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency.
- c. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
- d. Amounts received under the Low-Income Home Energy Assistance Program.
- e. Amounts received under the Child Care and Development Block Grant Act of 1990.
- f. Earned Income Tax Credit (EITC) refund payments.
- g. Lump sums received as a result of delays in processing Social Security and SSI payments.

## **I. PAYMENTS IN LIEU OF EARNINGS—UNEMPLOYMENT & DISABILITY**

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts.

## **J. WELFARE ASSISTANCE**

Welfare assistance (OWF-Ohio Works First or GA-General Assistance) is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments. (Food Stamp assistance paid under

the heading of the SNAP program is not counted as income)

If sanctions are imposed by the welfare agency that result in the reduction of welfare benefits, CMHA must make a special calculation of annual income and rent to be paid by the family. This rule applies only if a family was receiving HCV assistance at the time the sanction was imposed. (See Chapter 7, Part 3, Section F for a full description of the impact on tenant paid rent when sanctions are applied.)

## **K. PERIODIC AND DETERMINABLE ALLOWANCES**

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with an assisted family.

### **1. Alimony and Child Support**

CMHA must count alimony or child support amounts awarded as part of a divorce or separation agreement unless the funds have not been received for the previous 90 consecutive days from the review date. In that case, the family must demonstrate to CMHA's satisfaction that:

- (1) the payments are not being made; and
- (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments.

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

### **2. Regular Contributions and Gifts**

CMHA must count as income regular monetary and nonmonetary contributions and gifts from persons not residing with an assisted family. Temporary, nonrecurring, or sporadic income and gifts are not counted.

Examples of countable income from gifts and contributions include:

- (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments);
- (2) regular provision of cash to any family member; and,
- (3) regular provision of "in-kind" contributions and gifts.

Regular payment is defined as a family receiving monetary and nonmonetary contributions or gifts on at least 3 previous occasions in the 12 months prior to the date of the initial examination or subsequent reexaminations of income.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by CMHA. For contributions that may vary from month to month (e.g., utility payments), CMHA will include an average amount based upon past history.

## **L. STUDENT FINANCIAL ASSISTANCE**

In 2005, Congress passed a law (for Section 8 Programs only) requiring that certain student financial assistance be included in annual income. Prior to that, the full amount of student financial assistance was excluded. For some students, the full exclusion still applies.

### **1. Student Financial Assistance Included in Annual Income**

The regulation requiring the inclusion of certain student financial assistance applies **only** to students who satisfy **all** of the following conditions:

- a. They are enrolled in an institution of higher education, as defined under the Higher Education Act (HEA) of 1965;
- b. They are seeking or receiving Section 8 assistance on their own—that is, apart from their parents—through the HCV program, the project-based certificate program, the project-based voucher program, or the moderate rehabilitation program; and
- c. They are under 24 years of age or they have no dependent children.

For students who satisfy these three conditions, any financial assistance received in excess of tuition (tuition will have the meaning given this term by the institution of higher education in which the student is enrolled) from the sources below must be included in annual income:

- a. Assistance under the Higher Education Act of 1965, including Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships, State Assistance under the Leveraging Educational Assistance Partnership Program, the Robert G. Byrd Honors Scholarship Program, and Federal Work Study programs.
- b. Assistance from private sources, including assistance from nongovernmental sources such as parents, guardians, and other persons not residing with the student in an HCV assisted unit.
- c. From an institution of higher education as defined under the 1965 HEA

### **2. Student Financial Assistance Excluded from Annual Income**

Financial assistance (whether it is paid directly to the student or to the educational institution the student is attending) received by students meeting the following conditions will be excluded from family income:

- a. **Are residing with parents** who are eligible for or receiving Section 8 assistance;
- b. Are enrolled in an educational institution that does **not** meet the 1965 HEA definition of institution of higher education;
- c. Are over age 23 **AND** have at least one dependent child; or
- d. Are receiving financial assistance through a governmental program not authorized under the 1965 HEA.
- e. Is a veteran (reference **Federal Register** / Vol. 71, No. 68 / Monday, April 10, 2006 / Notices )

## EXHIBIT 7-1 ANNUAL INCOME INCLUSIONS

*a) Annual income means all amounts, monetary or not, which:*

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
  - (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
  - (3) Which are not specifically excluded in paragraph (c) of this section.
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

*(b) Annual income includes, but is not limited to:*

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family; (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
- (4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of Exhibit 7-2);
- (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);
- (6) Welfare assistance payments.
  - (i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
    - (A) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
    - (B) Are not otherwise excluded under paragraph (c) of this section.
  - (ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as

income shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

#### **HHS DEFINITION OF "ASSISTANCE"**

##### **45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES**

##### **What does the term "assistance" mean?**

(a)(1) The term "assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service or any other work activity.

(3) Except where excluded under paragraph(b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of "assistance"] excludes:

(1) Non-recurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

- (2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
- (3) Supportive services such as child care and transportation provided to families who are employed;
- (4) Refundable earned income tax credits;
- (5) Contributions to, and distributions from, Individual Development Accounts;
- (VII) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
- (7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance.

# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 7. INCOME AND PAYMENT DETERMINATIONS**

### **PART 2. DEDUCTIONS AND ADJUSTMENTS TO INCOME DETERMINATIONS**

A family's income determines eligibility for assistance, the amount of the family rent payment to the landlord and the amount of the rent payment by CMHA to the landlord. CMHA must ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the Program regulations. Part 2 describes deductions and adjustments to income.

#### **A. INTRODUCTION**

##### **1. Overview**

HUD regulations require CMHAs to deduct from annual income five mandatory deductions for which a family qualifies. The resulting amount is the family's adjusted income. The deductions are as follows:

- a. \$480 for each dependent;
- b. \$400 for any family whose head, co-head or spouse is aged or disabled and therefore classified as an elderly or disabled family;
- c. Unreimbursed medical expenses of any elderly family or disabled family to the extent the sum exceeds three percent of annual income;
- d. Unreimbursed reasonable attendant care and auxiliary apparatus expenses, for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. to the extent the sum exceeds three percent of annual income, This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- e. Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

Part 2 covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 8.

##### **2. Determination of Anticipated Expenses**

Generally, CMHA will use current circumstances to estimate the amount of anticipated expenses that will be allowed in the income calculation. For costs that are expected to

fluctuate during the year (e.g., child care during school and non-school periods and cyclical medical expenses), CMHA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, CMHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts deducted at previous determinations of income will not be allowed even if the amounts were not paid as expected in a preceding period. CMHA may require the family to provide documentation of payments made in the preceding year.

#### **B. DEPENDENT DEDUCTION**

A deduction of \$480 is given for each dependent. Dependent is defined as any family member other than the head, spouse, or co-head who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are not dependents.

#### **C. ELDERLY OR DISABLED FAMILY DEDUCTION**

A single deduction of \$400 is given for any elderly or disabled family. An elderly family is a family whose head, spouse, co-head, or sole member is 62 years of age or older, and a disabled family is a family **whose head, spouse, co-head, or sole member is a person with disabilities.**

#### **D. MEDICAL EXPENSES DEDUCTION**

The medical expense deduction is permitted only for families in which the **head, spouse, or co-head is at least 62 or is a person with disabilities**. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted.

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

##### **1. Definition of Medical Expenses**

The most current IRS Publication 502, Medical and Dental Expenses, will be used to determine what costs qualify as medical expenses. The following chart is a summary of allowable expenses:

Summary of Allowable Medical Expenses from IRS Publication 502	
<p>Services of medical professionals</p> <p>Surgery and medical procedures that are necessary, legal, non-cosmetic</p> <p>Services of medical facilities</p> <p>Hospitalization, long-term care, and in-home nursing services</p> <p>Prescription medicines and insulin, <u>but not nonprescription medicines even if recommended by a doctor</u></p> <p>Improvements to housing directly related to medical needs (e.g., ramps for a wheel chair, handrails)</p>	<p>Substance abuse treatment programs</p> <p>Psychiatric treatment</p> <p>Ambulance services and some costs of transportation related to medical expenses</p> <p>The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)</p> <p>The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included. Medical insurance premiums or the cost of a health maintenance organization (HMO).</p>

**Note:** This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.

## 2. Families That Qualify for Both Medical and Disability Assistance Expenses

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities.

When expenses anticipated by these families could be defined as either medical or disability assistance expenses, CMHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable the disabled person or other family member to work.

## E. DISABILITY ASSISTANCE EXPENSES DEDUCTION

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they:

- (1) are necessary to enable a family member 18 years or older to work;
- (2) are not paid to a family member or reimbursed by an outside source;
- (3) in combination with any medical expenses, exceed three percent of annual income;

and,

(4) do not exceed the earned income received by the family member who is enabled to work.

### **1. Earned Income Limit on the Disability Assistance Expense Deduction**

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work.

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, CMHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When CMHA determines that the disability assistance expenses enable more than one family member to work, the expenses will be capped by the sum of the family members’ earned incomes.

### **2. Eligible Auxiliary Apparatus and Related Expenses**

Auxiliary apparatus are items such as wheelchairs, ramps, adaptations to vehicles, or special equipment to enable a blind person to read or type, but only if these items are directly related to permitting the disabled person or other family member to work.

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

### **3. Eligible Attendant Care**

The family determines the type of attendant care that is appropriate for the person with disabilities.

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing

impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, CMHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

#### **4. Payments to Family Members**

No disability assistance expenses may be deducted for payments to a member of an assisted household. However, expenses paid to a relative who is not a member of the assisted household may be deducted to the extent they are not reimbursed by an outside source.

#### **5. Necessary and Reasonable Expenses**

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

CMHA determines the reasonableness of the expenses based upon cost information supplied by the family and on typical costs of care or apparatus in the locality. To establish typical costs, CMHA will request information from organizations that provide services and support to persons with disabilities. A family may present, and CMHA will consider, the family's justification for costs that exceed typical costs in the area.

### **F. CHILD CARE EXPENSE DEDUCTION**

Child care expenses are defined as amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care.

To establish the reasonableness of child care costs, CMHA will use the schedule of child care costs from the local welfare agency. Families may present, and CMHA will consider, justification for costs that exceed typical costs in the area. In the case of child care necessary

to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

### **1. Clarifying the Meaning of Child Care for This Deduction**

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household. However, unreimbursed child care expenses for foster children that are living in the assisted family's household are included when determining the family's child care expenses. Child care payments cannot be paid to another household member and be qualified as a legitimate deduction.

### **2. Determining Who Is Enabled to Pursue an Eligible Activity**

The family must identify the family member(s) enabled to pursue an eligible activity. The term eligible activity in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family's request, CMHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

### **3. Seeking Work**

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by CMHA.

### **4. Furthering Education**

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care costs claimed. The time allowed may include not more than one study hour for each hour spent in class and reasonable transportation time.

### **5. Being Gainfully Employed**

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full or

part-time) for which a family member is compensated. Only one family member's income will be considered in calculating the deduction. When more than one family member works during a given period, CMHA generally will limit allowable child care expenses to the earned income of the lowest-paid member.

## **6. Earned Income Limits and Caps on Child Care Expense Deduction**

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by the amount of employment income that is included in annual income. The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person with disabilities who receives the Earned Income Disallowance (EID) or a full-time student whose earned income above \$480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, child care expenses are limited to \$5,000 (see Exhibit 7-4 for additional EID information).

If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working.

## **7. Allowable Child Care Activities**

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, CMHA will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care. If a child is age 13 or over, disabled and in need of child/attendant care in order for the head of household to work, see Section 8 C (8-4-2 ) regarding disability expenses incurred to allow household member to be employed.

## **EXHIBIT 7-2: ANNUAL INCOME EXCLUSIONS**

### **Annual income does not include the following:**

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide, as defined in Sec. 5.403;
- (VII) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (i) Amounts received under training programs funded by HUD;
- (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
- (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for CMHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of CMHA's governing board. No resident may receive more than one such stipend during the same period of time;
- (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
- (9) Temporary, nonrecurring or sporadic income (including gifts);
- (10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- (11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);

- (12) Adoption assistance payments in excess of \$480 per adopted child;
- (13) [Reserved]
- (14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
- (15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
- (16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
- (17) Sources of Income Excluded by Federal Statute from Consideration as Income for Purposes of Determining Eligibility or Benefits (Updated from the July 17, 2012 Federal Register):**

- (i) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- (ii) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(f)(1), 5058);
- (iii) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- (iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- (v) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- (vi) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04);
- (vii) The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-8);
- (viii) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under Federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, the exception found in § 237 of Public Law 109-249 applies and requires that the amount of financial assistance in excess of tuition shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109-247);
- (ix) Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056g);
- (x) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange liability

litigation, M.D.L. No. 381 (E.D.N.Y.) (Pub. L. 101–201 and 101–39);

(xi) Payments received under the Maine Indian Claims Settlement Act of 1980 (Public Law 96–420, 25 U.S.C. 1721) pursuant to 25 U.S.C. 1728(c);

(xii) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);

(xiii) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(l));

(xiv) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95–433);

(xv) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

(xvi) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602);

(xvii) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931);

(xviii) Any amount received under the School Lunch Act and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);

(xix) Payments, funds or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b));

(xx) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437) by Section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289, 42 U.S.C. 4501);

(xxi) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111–269) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) and administered by the Office of Native American Programs; and

(xxii) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, as provided in the Claims Resolution Act of 2010 (Pub. L. 111–291).

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 7. INCOME AND PAYMENT DETERMINATIONS**

#### **PART 3. CALCULATING FAMILY SHARE OF RENT AND CMHA PAYMENT**

##### **INTRODUCTION**

A family's income determines eligibility for assistance, the amount of the family rent payment to the landlord and the amount of the rent payment by CMHA to the landlord. CMHA must ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the Program regulations. Part 3 describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining CMHA Payment and required family share of rent payment.

##### **A. OVERVIEW OF RENT AND PAYMENT CALCULATIONS**

###### **1. Total Tenant Payment (TTP) Formula**

TTP is the tenant portion/share of the rent paid to the landlord and is the highest of the following amounts, rounded to the nearest dollar:

- ☐ 30 percent of the family's monthly adjusted income (adjusted income is defined in Chapter 7 Part II)
- ☐ 10 percent of the family's monthly gross income (annual income, as defined in Chapter 7 Part 1 divided by 12).
- ☐ The welfare rent
- ☐ A minimum rent of \$50 established by CMHA as authorized by HUD regulations.

CMHA has authority to suspend and exempt families from minimum rent when a financial hardship is clearly demonstrated

###### **2. Family Share of Rent**

The amount that a family pays for rent and utilities (the family share) will never be less than the family's calculated TTP but may be greater if a family chooses a unit with a gross rent (total rent to owner plus an allowance for tenant-paid utilities) that exceeds CMHA's applicable payment standard (see Chapter 14). However, if the family will pay more than the calculated TTP, CMHA may not approve the tenancy at initial occupancy if it would require the family share to exceed 40 percent of the family's monthly adjusted income. The income used for this determination must have been verified no earlier than 60 days before the family's voucher was issued (see Chapter 8).

### **3. CMHA Housing Assistance Payment**

CMHA will pay to the family's landlord a monthly housing assistance payment (HAP) equal to the lower of (1) the applicable payment standard for the unit minus the family's TTP or (2) the gross rent for the family's unit minus the TTP.

### **4. Utility Allowance Payment**

If the family pays for some or all utilities, the family is entitled to a Utility Allowance (see Chapter 13.) The Utility Allowance payment is the amount the Utility Allowance for the unit exceeds the Total Tenant Payment.

## **B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT**

### **1. Overview**

CMHA may grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If CMHA determines that a hardship exists, the family share is the highest of the remaining components of the family's calculated TTP.

### **2. HUD-Defined Financial Hardship**

Financial hardship includes the following situations:

- (1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996. A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following:
  - (a) implementation of assistance, if approved, or
  - (b) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.
- (2) The family would be evicted because it is unable to pay the minimum rent. For a family to qualify under this provision, the cause of the potential eviction must be the family's inability to pay rent to the owner or tenant-paid utilities.
- (3) Family income has decreased because of changed family circumstances, including a recent loss of employment or death in the family. The family should request an interim reexamination of income.

### **3. Determination of Hardship**

Families subject to minimum rent will be notified at the time of initial rent determination, any interim recertifications, and at their annual recertification of their right to request a hardship exemption. Such notification will be in both oral and written format, with the family also being given a copy of a form to request the hardship exemption. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent. Upon receipt of the request, and if approved, CMHA will suspend the minimum rent requirement beginning the first of the month following the family's request.

CMHA determines whether the financial hardship exists and whether the hardship is temporary or long-term. CMHA defines temporary hardship as a hardship expected to last 90 days or less and long-term hardship as lasting more than 90 days. When the minimum rent is suspended, the family share reverts to the highest of the remaining components of the calculated TTP. Whether the hardship exemption is granted or denied, the family will receive a written notice of CMHA's decision on the request for a hardship exemption. This decision shall be subject to CMHA's grievance procedure (Chapter 19, Section C) and the family will be given ten (10) days to request a hearing. Any negative decision will not be implemented until either the ten (10) day period expires without a request for hearing or if the family requests a hearing until a decision is made after the hearing.

### **4. No Financial Hardship**

If CMHA determines there is no financial hardship, CMHA will reinstate the minimum rent and require the family to repay the amounts suspended.

### **5. Temporary Hardship**

If CMHA determines that a qualifying financial hardship is temporary, CMHA will suspend the minimum rent for a 90-day period beginning the first of the month following the date of the family's request. At the end of the 90-day suspension period, the family must resume payment of the minimum rent and must repay CMHA the amounts suspended. CMHA will offer a reasonable repayment agreement for the suspended amounts.

### **6. Long-Term Hardship**

If CMHA determines that the financial hardship is long-term, CMHA will exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

The hardship period ends when any of the following circumstances apply:

- (1) At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.

(2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a \$50/month child support payment, the hardship will continue to exist until the family receives at least \$50/month in income from another source or once again begins to receive the child support.

(3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

## **C. APPLYING PAYMENT STANDARDS**

### **1. Overview**

CMHA's schedule of payment standards is used to calculate housing assistance payments for HCV families. Payment standard is defined as the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family). The payment standard for a family is the lower of (1) the payment standard for the family voucher size, which is defined as the appropriate number of bedrooms for the family under CMHA's payment standards or (2) the payment standard for the size of the dwelling unit rented by the family.

CMHA is required to pay on behalf of the family a monthly housing assistance payment (HAP) to the landlord that is the lower of (1) the payment standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP. If during the term of the HAP contract for a family's unit, the owner lowers the rent, CMHA will recalculate the owner's HAP.

### **2. Changes in Payment Standards**

If Payment Standards (see Chapter 14) are decreased or increased during the annual term of the HAP contract, the revised payment standard will be used to calculate the monthly housing assistance payment to the landlord and the family portion of the rent at the time of the family's first regular reexamination on or after the effective date of the revision to the payment standard. The effective date of any changes to the HAP or the TTP will be on the anniversary date of the HAP and Initial Lease.

### **3. Reasonable Accommodation**

If a family requires a higher payment standard as a reasonable accommodation for a family member who is a person with disabilities, CMHA is allowed to establish a higher payment standard up to 110% of the Fair Market Rent established by HUD.

## **D. APPLYING UTILITY ALLOWANCES**

1 A CMHA-established utility allowance schedule is used in determining the family portion of rent and CMHA Payment to the landlord (see Chapter 13). CMHA will use the appropriate utility allowance for the size of dwelling unit actually leased by a family rather than the voucher unit size for which the family qualifies using CMHA Payment standards.

2 Revised utility allowances will be applied to a family's rent and Payment calculations at the first annual reexamination after the effective date.

3 HCV program regulations require CMHA to approve a utility allowance amount higher than shown on CMHA's schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. The family must request the higher allowance and provide CMHA with an explanation of the need for the reasonable accommodation and information about the amount of additional allowance required.

## **E. PRORATED ASSISTANCE FOR MIXED FAMILIES**

HUD regulations prohibit assistance to ineligible family members. A mixed family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. CMHA must prorate the assistance provided to a mixed family. CMHA will first determine assistance as if all family members were eligible and then prorate the HAP assistance based upon the percentage of family members that actually are eligible. For example, if the CMHA Payment to the landlord for a family is calculated at \$500 and two of four family members are ineligible, the CMHA Payment would be reduced to \$250 and the family would be responsible for an additional \$250 payment to the landlord if they desire to lease the unit.

## **F. THE EFFECT OF REDUCTIONS IN WELFARE BENEFITS**

### **1. Applicability**

This section applies to HCV assisted families whose benefits from any source are reduced because of fraud or for failure to comply with the obligation to participate in an economic self-sufficiency program required as a condition for receipt of benefits. In calculating the tenant portion of rent, CMHA must treat these reductions as "imputed welfare income," and include the pre-reduction amount of welfare income which is the amount of benefits not actually received by a family member as a result of a reduction. CMHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

## **2. Applicable Reductions**

A reduction of welfare benefits by the welfare agency because of fraud by a family member in connection with the welfare program or because of a sanction against a family member for noncompliance with a requirement to participate in an economic self-sufficiency program will be treated as imputed income in the determination of rent to be paid by the family.

Reductions do not include:

- ❑ Expiration of a lifetime or other time limit on the payment of welfare benefits;
- ❑ inability of the family member to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activity requirements; or
- ❑ Non-compliance with other welfare agency requirements.

## **3. Appeals**

After receiving notice of the imputed welfare income amount, the family may request an informal hearing to review CMHA's determination (see Chapter 19 Section C for appeal procedures).

## **4. Obtaining Information From The Welfare Agency**

As needed at any examination of family income, CMHA will obtain information from welfare agencies regarding welfare benefit reductions, the reason for such reduction, and the term of the reduction. CMHA will use the welfare agency's determination of the reason, term and amount of the reduction in calculating annual income. If the family disagrees with the welfare agency's determination, the family must appeal the determination through the welfare agency's normal due process procedures.

## **EXHIBIT 7-2: ANNUAL INCOME EXCLUSIONS**

### **Annual income does not include the following:**

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide, as defined in Sec. 5.403;
  
- (VII) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (i) Amounts received under training programs funded by HUD;
- (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  
- (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
- (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for CMHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of CMHA's governing board. No resident may receive more than one such stipend during the same period of time;
- (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
- (9) Temporary, nonrecurring or sporadic income (including gifts);
- (10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

- (11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- (12) Adoption assistance payments in excess of \$480 per adopted child;
- (13) [Reserved]
- (14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
- (15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
- (16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
- (17) **Sources of Income Excluded by Federal Statute from Consideration as Income for Purposes of Determining Eligibility or Benefits (Updated from the July 17, 2012 Federal Register):**
  - (i) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
  - (ii) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(f)(1), 5058);
  - (iii) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
  - (iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
  - (v) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
  - (vi) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04);
  - (vii) The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-8);
  - (viii) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under Federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, the exception found in § 237 of Public Law 109-249 applies and requires that the amount of financial assistance in excess of tuition shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109-247);
  - (ix) Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056g);
  - (x) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange liability litigation, M.D.L. No. 381 (E.D.N.Y.) (Pub. L. 101-201 and 101-39);

- (xi) Payments received under the Maine Indian Claims Settlement Act of 1980 (Public Law 96–420, 25 U.S.C. 1721) pursuant to 25 U.S.C. 1728(c);
- (xii) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
- (xiii) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(l));
- (xiv) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95–433);
- (xv) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- (xvi) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602);
- (xvii) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931);
- (xviii) Any amount received under the School Lunch Act and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);
- (xix) Payments, funds or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b));
- (xx) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437) by Section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289, 42 U.S.C. 4501);
- (xxi) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111–269) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) and administered by the Office of Native American Programs; and
- (xxii) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, as provided in the Claims Resolution Act of 2010 (Pub. L. 111–291).

## **EXHIBIT 7-3: TREATMENT OF INCOME FROM FAMILY ASSETS**

### **Definition of Net Family Assets (24 CFR 5.603(b))**

- (1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- (2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Sec. 5.609.
- (3) In determining net family assets, CMHA shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.
- (4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

#### **1. Income from Assets**

CMHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes CMHA to use other than current circumstances to anticipate income when:

- (1) an imminent change in circumstances is expected;
- (2) it is not feasible to anticipate a level of income over 12 months; or
- (3) CMHA believes that past income is the best indicator of anticipated income.

For example, if a family member owns real property that typically receives rental income but the property is currently vacant, CMHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

Anytime current circumstances are not used to determine asset income, the reason for the decision will be documented in the file. In such cases the family may present information and documentation to CMHA to show why the asset income determination does not represent the family's anticipated asset income.

## **2. Valuing Assets**

The calculation of asset income sometimes requires CMHA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth (e.g., the amount a buyer would pay for real estate or the balance in an investment account).
- The cash value of an asset is its market value less all reasonable costs that would be incurred when converting the asset to cash.

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

## **3. Lump-Sum Receipts**

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account). For a discussion of lump-sum payments that represent the delayed start of a periodic payment, see Chapter 7-1, Section J - Periodic Payments.

## **4. Imputing Income from Assets**

When net family assets are \$5,000 or less, CMHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of \$5,000, CMHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current CMHA-established passbook savings rate.

## **5. Determining Actual Anticipated Income from Assets**

It may not be necessary for CMHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the amount on deposit of the account by the interest rate on the account.

## **6. Withdrawal of Cash or Liquidation of Investments**

Any withdrawal of cash or assets from an investment will be included in income except to

the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement fund.

## **7. Jointly Owned Assets**

This type of annual income includes “amounts derived (during the 12-month period) from assets to which any member of the family has access.”

If an asset is owned by more than one person and each family member has unrestricted access to the asset, CMHA will count the full value of the asset in projecting asset income.. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, CMHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, CMHA will prorate the asset evenly among all owners.

## **8. Assets Disposed Of for Less than Fair Market Value**

### **a. Two-Year Rule**

HUD regulations require CMHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination. However, CMHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual re-certifications, the family may request an interim recertification to eliminate consideration of the asset.

### **b. Trusts**

Assets placed by the family in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

### **c. Separation or Divorce**

Assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

All assets disposed of as part of a separation or divorce settlement will be considered assets

for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

#### **d. Family Declaration**

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. CMHA may verify the value of the assets disposed of if other information available to CMHA does not appear to agree with the information reported by the family.

### **I. TYPES OF ASSETS**

#### **1. Checking and Savings Accounts**

For regular checking accounts and savings accounts, cash value has the same meaning as market value.

- In determining the cash value of a savings account, CMHA will use the current balance.
- In determining the cash value of a checking account, CMHA will use the average monthly balance for the last six months.
- In determining the anticipated income from an interest-bearing checking or savings account, CMHA will multiply the cash value of the account by the current rate of interest paid on the account. If a checking account does not bear interest, the anticipated income from the account is zero. If the total value of all assets exceeds \$5000 the asset income will be the higher of either the total actual interest income for all accounts or the total asset income based on the imputed interest rate applied to all accounts.

#### **2. Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds**

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

In determining the market value of an investment account, CMHA will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether

the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), CMHA will calculate asset income based on the earnings for the most recent reporting period.

### **3. Equity in Real Property or Other Capital Investments**

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset.

Equity in real property and other capital investments is considered in the calculation of asset income **except** for the following types of assets:

- ☐ Equity accounts in HUD homeownership programs.
- ☐ The value of a home currently being purchased with assistance under the HCV program Homeownership Option after the first 10 years from the purchase date of the home.
- ☐ Equity in owner-occupied cooperatives and manufactured homes in which the family lives.
- ☐ Equity in real property when a family member's main occupation is real estate. This real estate is considered a business asset, and income related to this asset will be calculated as described in Part 1 of Chapter 7.
- ☐ Interests in Indian Trust lands.
- ☐ Real property and capital assets that are part of an active business or farming operation.

A family may have real property as an asset in two ways:

- (1) By owning the property itself, or
- (2) By holding a mortgage or deed of trust on the property.

In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless CMHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

#### **4. Trusts**

A trust is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries). There are two types of trusts:

- ☐ **Revocable Trusts**--If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.
- ☐ **Non-revocable Trusts**--In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate.

#### **5. Retirement Accounts**

There are several types of accounts to consider:

- ☐ **Company Retirement/Pension Accounts**--In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, CMHA must know whether the money is accessible before retirement.

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset.

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate, except to the extent that it represents funds invested in the account by the family member.

- ☐ **IRA, Keogh, and Similar Retirement Savings Accounts**--IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty.

#### **6. Personal Property**

Personal property such as gems, jewelry, coin collections, antique cars, etc., held as an investment is considered an asset.

In determining the value of personal property held as an investment, CMHA will use the family's estimate of the value. However, CMHA also may obtain an appraisal to confirm the

value of the asset. The family must cooperate with the appraiser, but cannot be charged any costs related to the appraisal.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets. Necessary personal property consists of items such as clothing, furniture, household furnishings, jewelry that is not held as an investment, and vehicles, including those specially equipped for persons with disabilities.

## **7. Life Insurance**

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy is included in the calculation of the value of the family's assets. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

## **EXHIBIT 7-4: EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES**

**Self-sufficiency incentives for persons with disabilities—Disallowance of increase in annual income.***(a) Applicable programs.* The disallowance of increase in annual income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24 CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982).

*(b) Definitions.* The following definitions apply for purposes of this section. Disallowance. Exclusion from annual income. Previously unemployed includes a person with disabilities who has earned, in the twelve months

previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage. Qualified family. A family residing in housing assisted under one of the programs listed in paragraph (a) of this section or receiving tenant-based rental assistance under one of the programs listed in paragraph (a) of this section.

- (1) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
- (2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- (3) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities and who received TANF benefits in the six months prior to employment. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance-- provided that the total amount over that six-month period is at least \$500.

*(c) Disallowance of increase in annual income—*

(1) Initial twelve month exclusion. During the cumulative twelve month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, CMHA must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

(2) Second twelve month exclusion and phase-in. During the second cumulative twelve month period after the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

(3) Maximum four year disallowance. The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (c)(1) or (c)(2) is limited to a lifetime 48 month period. The disallowance only applies for a maximum of twelve months for disallowance under paragraph (c)(1) and a maximum of twelve months for disallowance under paragraph (c)(2), during the 48 month period starting from the initial exclusion under paragraph (c)(1) of this section.

**(d)** Inapplicability to admission. The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable)

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

**1.**

### **CHAPTER 8 –VERIFICATIONS OF INFORMATION**

CMHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain the family's consent to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The cost of verifications is borne by CMHA..

CMHA follows the verification guidance provided by HUD. Verification policies, rules and procedures may be modified as needed to accommodate persons with disabilities. This chapter summarizes those requirements and provides supplementary CMHA policies.

This Chapter 8 is divided into four parts:

Part 1 - General Verification Requirements

Part 2 - Verification of Family Information

Part 3 - Verification of Income and Assets

Part 4 - Verification of Mandatory Deductions

## PART 1. GENERAL VERIFICATION REQUIREMENTS

## 1. Consent Forms

## 2. Penalties for Failing to Consent

## B. OVERVIEW OF VERIFICATION REQUIREMENTS

## 1. Verification Hierarchy/Priority – HUD Notice PIH 2010 - 19

Level	Verification Technique	Ranking

<b>3</b>	<b>Written Third Party Verification Form</b>	<b>Medium-Low</b> (Mandatory if written third party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation)
<b>2</b>	<b>Oral Third Party Verification</b>	<b>Low</b> (Mandatory if written third party verification is not available)

## 2. Requirements for Acceptable Documents

Any documents used for verification must be the original (not photocopies) and generally must be dated within 30 calendar days of the date of the family's appointment. The documents must not be damaged, altered or in any way illegible.

Print-outs from web pages are considered original documents.

Any family self-certifications must be made on a form provided by CMHA and must be signed in the presence of a CMHA representative.

**Verification documents will be maintained in the family's file.**

## C. VERIFICATION TECHNIQUES - REFERENCE PIH 2010 - 19 (HA)

The verification methods for each LEVEL are listed and discussed below.

### LEVELS 5 AND 6 - UPFRONT INCOME VERIFICATION (UIV)

The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.

The HUD Enterprise Income Verification (EIV) system uses data obtained from other federal agencies that maintain computerized information about earnings and benefits. HUD's EIV system contains data showing earned income, unemployment benefits, Social Security and SSI benefits for applicants and participant families. CMHA will use the EIV system whenever possible.

The EIV system is available to CMHA as a UIV technique. CMHA will also use other non-HUD UIV tools, such as The Work Number (an automated verification system) and state government databases, to validate tenant-reported income.

CMHA will inform all applicants and participants of EIV use during the admission and reexamination process. There may be substantial - but legitimate - differences between the

information provided by the family and EIV-generated information. No adverse action can be taken against a family until CMHA has independently verified the EIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of CMHA.

**1. Definition of Substantial Difference**

EIV information is used differently depending upon whether there is a substantial difference between information provided by the family and the EIV information. HUD recommends and CMHA will use \$200 per month as the threshold for a substantial difference (See Chapter 7 for CMHA's policy on the use of EIV to project annual income and determine the tenant portion of rent.)

**2. When No Substantial Difference Exists**

If EIV information does not differ substantially from family information, the EIV documentation may serve as third-party written verification.

**3. When a Substantial Difference Exists**

When there is a substantial difference between the information provided by the EIV source and the family, CMHA must request another form of third-party written verification and/or use any other verification methods (in the order of their preference) to reconcile the difference(s).

**4. EIV Identity Verification**

The EIV system verifies tenant identities against SSA records. These records are compared to CMHA and HUD data for a match on Social Security number, name, and date of birth. CMHA will notify participants if their identity verification has failed as part of the initial and annual reexamination processes.

**LEVEL 4 - WRITTEN THIRD PARTY VERIFICATION**

This is an original or authentic document generated by a third party source dated either within the 60-day period preceding the reexamination or the PHA request date. Such documentation may be in the possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents. It is HUD and CMHA's position that such tenant-provided documents are written third party verification since these documents originated from a third party source. HUD permits CMHA, at its discretion, to reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.

Examples of acceptable tenant-provided documentation (generated by a third party source) include, but are not limited to: pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit verification letter, bank statements, child support payment

stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Current acceptable tenant-provided documents must be used for income and rent determinations.

CMHA is required by HUD to obtain, at a minimum, two current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, CMHA will project income based on the information from a traditional written third party verification form or the best available information.

**Note:** Documents older than 60 days (from the CMHA interview/determination or request date) is acceptable for confirming effective dates of income.

If third-party verification is required, CMHA will make at least two attempts to obtain third-party verification before proceeding to the next preferred verification method. CMHA will request written third party verification under the following circumstances:

- a. When the tenant disputes the EIV information and is unable to provide acceptable documentation to support his/her dispute (24 CFR §5.236(b));
- b. When CMHA requires additional information that is not available in EIV and /or the tenant is unable to provide CMHA with current acceptable tenant-provided documentation. Examples of additional information, includes but is not limited to:
  - i. Effective dates of income (i.e. employment, unemployment compensation, or social security benefits)
  - ii. For new employment: pay rate, number of hours worked per week, pay frequency, etc.
  - iii. Confirmation of change in circumstances (i.e. reduced hours, reduced rate of pay, temporary leave of absence, etc.)

#### **1. Reasonable Effort and Timing**

Third-party verifications will be requested in writing and/or orally. Information received orally may be used either to clarify information provided in writing by the third party or as an independent verification when written verification is not received in a timely fashion. Third party responses may be mailed, faxed, e-mailed or hand-delivered to CMHA.

#### **2. When Third-Party Information is Late**

When third-party verification has been requested at least twice and the timeframes for submission have been exceeded, CMHA will use information from documents provided by the client on a provisional basis for the determinations of eligibility, income and rent.

If CMHA later receives third-party verification that differs from information provided by the applicant or participant, CMHA will process an interim reexamination to adjust prior determinations.

**3. When Third Party Verification Is Not Required**

- **Primary Documents**--Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.
- **Certain Assets and Expenses**--CMHA will accept a self-certification from a family as verification of assets disposed of for less than fair market value. CMHA will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than \$5,000 annually *and* the family has original documents (dated within 30 days of the appointment date) that support the declared amount.

**4. Unavailability of Third-Party Verifications**

CMHA will determine that third-party verification is not available and use other verification methods when an information source does not have the ability to provide written or oral third-party verification. For example, CMHA will rely upon review of documents when CMHA determines that a third party's privacy rules prohibit disclosure of the requested information.

CMHA also will determine that third-party verification is not available when there is a service charge for verifying an asset or expense and the family has original documents that provide the necessary information. If the family cannot provide original documents, a self-certification will be acceptable as the only means of verification.

**LEVEL 3 - WRITTEN THIRD PARTY VERIFICATION FORM**

This is also known as traditional third party verification. A standardized form is used to collect information from a third party source. The form is completed by the third party by hand (in writing or typeset). CMHA will send the form directly to the third party source by mail, fax, or email.

It is HUD's and CMHA's position that the administrative burden and risk associated with use of the traditional third party verification form may be reduced by relying on acceptable documents that are generated by a third party, but in the possession of and provided by the tenant (or applicant). Many documents in the possession of the tenant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.).

HUD and CMHA recognize that third party verification request forms sent to third party

sources often are not returned. In other instances, the person who completes the verification form may provide incomplete information; or some tenants may collude with the third party source to provide false information; or the tenant intercepts the form and provides false information.

HUD requires CMHA to rely on documents that originate from a third party source's computerized system and/or database, as this process reduces the likelihood of incorrect or falsified information being provided on the third party verification request form. The use of acceptable tenant-provided documents, which originate from a third party source, will improve the integrity of information used to determine a family's income and rent and ultimately reduce improper subsidy payments. This verification process will also streamline the income verification process.

## **LEVEL 2 - ORAL THIRD PARTY VERIFICATION**

Independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique or identified by the family, via telephone or in-person visit. PHA staff should document in the tenant file, the date and time of the telephone call (or visit to the third party), the name of the person contacted and telephone number, along with the confirmed information. This verification method is commonly used in the event that the independent source does not respond to the PHA's faxed, mailed, or e-mailed request for information in a reasonable time frame, i.e., ten (10) business days.

## **LEVEL 1 - TENANT DECLARATION**

The tenant submits an affidavit or notarized statement of reported income and/or expenses to the PHA. This verification method should be used as a last resort when the PHA has not been successful in obtaining information via all other verification techniques. When the PHA relies on tenant declaration, the PHA must document in the tenant file why third party verification was not available.

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to CMHA. CMHA may also require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made on a form provided by CMHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a CMHA representative.

# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 8. VERIFICATIONS OF INFORMATION**

### **PART 2. VERIFYING FAMILY INFORMATION**

#### **A. LEGAL IDENTITY**

Families must furnish verifiable information on the legal identity of each household member.

#### **Hierarchy of Verification for Legal Adults and Children**

<b>Verification of Legal Identity for Adults</b>	<b>Verification of Legal Identity for Children</b>
Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or state identification card U.S. military discharge (DD 214) Current U.S. passport Employer identification card	Certificate of birth Adoption papers Custody agreement Jobs and Family Services ID Card School records

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

Legal identity must be verified at each contact with adult family members.

#### **B. SOCIAL SECURITY NUMBERS**

Every family member must provide documentation of a valid social security number (SSN) or a self-certification stating that no SSN has been issued. See Chapter 3, Section C for a description of acceptable documentation.

Social security numbers will be verified only once during continuously-assisted occupancy unless a discrepancy occurs.

Each person added to the family by birth, custody or marriage or as a live-in aide must provide their social security number for purposes of conducting criminal background checks and previous program participation. New adult family members must also meet eligibility requirements and not owe CMHA funds from any previous or current participation.

#### **C. AGE**

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members, an original document that provides evidence of

the receipt of social security retirement benefits is acceptable.

If an official record of birth or evidence of social security retirement benefits cannot be provided, CMHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded). Self-certification is not permitted.

Age will be verified only once during continuously-assisted occupancy unless a discrepancy occurs.

#### **D. FAMILY RELATIONSHIPS**

Applicants and program participants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in Chapter 3, Section A – Family Composition.. Certification by the head of household normally is sufficient verification of family relationships except in the following instances:

##### **1. Marriage**

A marriage certificate is required to verify that a couple is married. Self-certification is not permitted.

##### **2. Separation or Divorce**

**The following information is acceptable for verification purposes:**

- A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.
- A copy of a court-ordered maintenance or other court record is required to document a separation.
- If no court document is available, written documentation from a recognized community-based agency may be accepted.
- A sworn written affidavit signed in the presence of CMHA.

##### **3. Absence of Adult Member**

If an adult who was formerly a member of the household is reported to be **permanently absent**, the family must provide documented evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill). As a last resort, a sworn affidavit from the head of household attesting to the fact that the adult member has permanently left the household may be accepted.

Temporary absences of family members must also be reported to CMHA (See Chapter 7, Part 1, Section B.1).

#### **4. Foster Children and Foster Adults**

Documentation from the state or local government agency responsible for the placement of the individual with the family is required.

#### **5. Guardianship**

The following hierarchy will be used to verify guardianship:

1. Court-ordered assignment.
2. Documentation from a social services agency.
3. School records.

### **E. STUDENT STATUS**

CMHA requires families to provide information about the student status of all family members who are 18 years of age or older. This information will be verified only if:

- The family reports full-time student status for an adult other than the head, spouse, or co-head.
- The family reports child care expenses to enable a family member to further his or her education.
- The family includes a student enrolled in an institution of higher education.

#### **1. Restrictions on Assistance to Students Enrolled in an Institution of Higher Education**

This section applies only to students who are seeking assistance on their own, separately from their parents. It does not apply to students residing with parents who are eligible for or receiving HCV assistance.

As provided in 24 CFR 5.612, no assistance shall be provided under section 8 of the 1937 Act to any individual who:

- (a) Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) and ;
- (b) Is under 24 years of age;
- (c) Is not a veteran of the United States military;
- (d) Is unmarried;

(e) Does not have a dependent child;

(f) Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was not receiving assistance under section 8 of the 1937 Act as of November 30, 2005; and

(g) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act.

## **2. Independent Student Status**

CMHA will verify a student's independence from his/her parents to determine that the student's parents' income is not relevant for determining the student's HCV program eligibility. Documentation furnished to CMHA must be sufficient to:

- Determine whether the student has established a household separate from his/her parents for at least one year;
- Determine whether the student meets the U.S. Department of Education's definition of independent student;
- Determine whether a parent has claimed the student as a dependent on prior year income tax returns; and
- Determine by information from the student's parents the amount of support they will be providing to the student, even if the amount of support is \$0.

## **F. DISABILITY**

CMHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. A person with disabilities:

(1) means a person who:

(a) Has a disability, as defined in 42 U.S.C. 423;

*b*) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently;  
and

(iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

(c) Has a developmental disability as defined in 42 U.S.C. 6001.

(2) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome; and

(3) Means "individual with handicaps", as defined in Sec. 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

### **Verifying Disabilities:**

#### **1. Family Members Receiving SSA Disability Benefits**

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions.

For family members claiming disability who receive disability benefits from the SSA, CMHA will attempt to obtain information about disability benefit amounts through the HUD Enterprise Income Verification (EIV) system when it is available. The family must request a current SSA benefit verification letter (dated within the last 30 days of the appointment) from each family member claiming disability status and provide it to CMHA.

#### **2. Family Members Receiving Disability Benefits From Other Entities**

For family members claiming a disability who do not receive disability benefits from the SSA but from another entity, a professional licensed by the State of Ohio must provide

third-party verification that the family member meets the HUD definition of disability that is listed above

## **G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS**

Housing assistance is only available to persons who are citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See Chapter 3, Section G for a description of eligibility requirements.

For verification purposes, the family must complete a certification (214 Immigration/Citizenship Status) for each family member that identifies them as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen. One of the documents discussed below for each family member must be provided. Once eligibility to receive assistance has been verified for an individual, no further verification is required during continuously-assisted occupancy unless a discrepancy arises or the person's status changes..

### **1. U.S. Citizens and Nationals**

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors. Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless CMHA has or receives information indicating that an individual's declaration may not be accurate. CMHA may then request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

### **2. Eligible Immigrants**

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals and provide verifiable documentation of their status.

#### **a. Elderly Non-Citizens**

For noncitizens who are 62 years of age or older or who will be 62 years of age or older and receiving assistance under a Section 214 covered program on September 30, 1996 or applying for assistance on or after that date, the evidence consists of:

- A signed declaration of eligible immigration status; and
- Proof of age document.

#### **b. All Other Non-Citizens**

For family members under the age of 62 who claim to be eligible immigrants, CMHA must verify immigration status with the United States Citizenship and Immigration Services (USCIS). The family must provide CMHA with one of the following

documents applicable to their immigration status:

1. Resident Alien Card (I-551) (for permanent resident aliens);
2. Arrival Departure Record (I-94) with one of the following annotations:
  - a. "Admitted as Refugee Pursuant to Section 207"
  - b. "Section 208" or "Asylum"
  - c. "Section 243(h)" or "Deportation stayed by Attorney General"
  - d. "Paroled pursuant to Section 212(d)(5) of the INA"
3. If Form I-94, Arrival-Departure Record, is not annotated, then accompanied by one of the following documents:
  - a. A final court decision granting asylum (but only if no appeal is taken);
  - b. A letter from an INS asylum officer granting asylum (if application is filed on or after 10-1-1990) or from an INS district director grant asylum (if application filed before 10-1-1990);
  - c. A court decision granting withholding of deportation; or
  - d. A letter from an INS asylum officer granting withholding of deportation (if application filed on or before 10-1-1990)
4. Temporary Resident Card (I-688) which must be annotated "Provision of Law 274a.12(11)" or "Provision of Law 247a.12"; Employment Authorization Card (I-688B) which must be annotated "Provision of Law 274a.12(11)" or "Provision of Law 247a.12."
5. Receipt issued by INS for issuance of replacement of any of the above documents has been made and the applicant's entitlement to the document has been verified.
6. Other accepted evidence as announced by INS.

CMHA will follow all USCIS protocols for verification of eligible immigration status.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 8. VERIFICATIONS OF INFORMATION**

#### **PART 3. VERIFICATION OF INCOME AND ASSETS**

HCV Program Applicants and Participants are responsible for providing CMHA with appropriate and verifiable documentation for each type of income received and each type of assets.

##### **A. EARNED INCOME**

###### **1. Tips**

If tip income is not included in a family member's W-2 or pay stubs by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year. Imputed income from tips will be calculated at 15% (??) of the base income.

###### **2. Income from Employment**

Documentation must include::

- Date of hire;
- Frequency of pay;
- Effective date of the last pay increase; and
- Probability and effective date of any increase during the next 12 months.

Employment verification forms completed or provided by the employer may include:

- Check stubs or earning statements showing employee's gross pay per pay period and frequency of pay.
- W-2 forms if the family has had the same job for at least two years and pay increases can be accurately projected.

##### **B. BUSINESS AND SELF EMPLOYMENT INCOME**

Business owners and self-employed persons will be required to provide:

- Affidavits or income tax returns signed by the family describing self-employment.
- All forms and schedules completed and filed with federal and local tax returns in the preceding year.
- An audited financial statement for the previous fiscal year if an audit was conducted.

- If an audit was not conducted, a statement of income and expenses must be submitted, and the business owner or self-employed person must certify to its accuracy.
- A schedule of income and expenses for the coming year, If not provided, CMHA may use the prior year as a baseline for estimating income for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.
- At CMHA's request, documents needed to support submitted financial statements.

If a family member has been self-employed less than 3 months, CMHA will accept the family member's certified estimate of income. If the family member has been self-employed for 3 to 12 months CMHA will require the family to provide documentation of income and expenses for this period and use that information to project annual income.

## **C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS**

### **1. Social Security/SSI Benefits**

To verify the SS/SSI benefits of participants, CMHA will obtain information about social security/SSI benefits through the HUD EIV System.

If benefit information is not available in EIV or is outdated, CMHA will request that family members obtain a current (dated within the last 30 days from the interview appointment) benefit verification letter from the Social Security Administration.

## **D. ALIMONY OR CHILD SUPPORT PAYMENTS**

If the family declares that it has been awarded and is receiving alimony or child support payments, verification will be sought in the following order:

- If payments are made through a state or local entity, CMHA will request a record of payments for the past 90 days and request that the entity disclose any known information about the likelihood of future payments. In lieu of a 3<sup>rd</sup> party request to the Child Support Enforcement Agency, clients receiving or potentially eligible for benefits through any Ohio CSEA may request this information from the agency online and obtain a print out documenting benefit payments received.
- Computer generated pay history of the last 90 days, or copies of the last checks or stubs for the most recent 90 day period if the past history is not available.
- Third-party verification from the person paying the alimony or support.
- Copy of the separation or settlement agreement or divorce decree stating the amount and type of support and payment schedules. If payments are not current, a payment history must be provided.

- Family's self-certification of amount received and of the likelihood of alimony or support payments being received in the future.

If the family declares that it has been awarded but is not receiving alimony or support payments on a regular basis, the family must self-certify to this fact at its initial examination of income and all subsequent reexaminations.

#### **E. ASSETS AND INCOME FROM ASSETS**

HCV Program Applicants and Participants are required to disclose assets and income from assets to CMHA at the initial examination and all subsequent reexaminations of family income. Assets include:

1. Amounts in savings and checking accounts.
2. Stocks, bonds, money market funds and other investment accounts.
3. Equity in real estate or other capital investments.
4. Trusts
5. Retirement Savings Accounts
6. Contributions to company retirement funds
7. Assets which are co-owned with another person
8. Lump-sum receipts such as inheritances, lottery winnings, and other one-time events.
9. Personal property held as an investment such as gems, coin collections, etc.
10. Cash value of life insurance policies.
11. Assets disposed of for less than Fair Market Value during the preceding 2 years.

The family must provide CMHA with verifiable documentation concerning these assets. CMHA will determine what amounts, if any, should be included in the calculation of annual family income (see Chapter 7, Exhibit 7-3 ) and review it with the family. If the family disagrees with CMHA's determination, they may request a review and informal hearing under the provisions of Chapter 19 – Complaints and Appeals by Owners and Families.

#### **F. NET INCOME FROM RENTAL PROPERTY**

The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current tenant of that property as to the rent being paid.
- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, CMHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

## **G. RETIREMENT ACCOUNTS**

When third-party verification is not available, the family member's retirement status must be evidenced by a current (within the 30 days preceding the appointment) original document from the entity holding the account that shows the balance in the account, any distributions of the account balance, any lump sums taken from the account and/or any regular payments being made from the account.

## **H. INCOME EXCLUSIONS**

If a family member has income that the family claims should be excluded from the calculation of annual family income, the family must provide documentation supporting their claim. CMHA will review the documentation and obtain appropriate verifications. CMHA will review its determination with the family and provide an opportunity for an appeal and informal hearing (see Chapter 19) if the family disagrees.

## **I. ZERO ANNUAL INCOME STATUS**

CMHA will check EIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SSI, etc., are not being received by families claiming to have zero annual income. All adult family members (18 years or older) must execute an affidavit declaring zero income.

## **J. STUDENT FINANCIAL ASSISTANCE**

Any reported financial assistance in excess of amounts received for tuition that a person attending an institution of higher education receives under the Higher Education Act of 1965, from private sources or from an institution of higher education must be considered income unless the student is over the age of 23 with dependent children or is residing with parents who are eligible for or receiving HCV assistance.

For students over the age of 23 with dependent children or students residing with parents who are eligible for or receiving HCV assistance, the full amount of student financial assistance is excluded from annual income. The full amount of student financial assistance is also excluded for students attending schools that do not qualify as institutions of higher education. Excluded amounts are verified only if, without verification, CMHA would not be able to determine whether or to what extent the income is to be excluded.

For a student subject to having a portion of his/her student financial assistance included in annual income in accordance with HUD regulations, CMHA may request third-party written verification of both the source and the amount from the educational institution attended by the student as well as from any other person or entity providing such assistance as well as all authorized tuition costs.

If CMHA is unable to obtain third-party written or oral verification of the requested information, CMHA will pursue other forms of acceptable verification with the family and student member..

**K. PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS**

If a student seeking HCV assistance on their own is enrolled at an institution of higher education and is under the age of 24, is not a veteran, is not married, and does not have a dependent child, the income of the student's parents must be considered when determining income eligibility, unless the student is determined independent from his or her parents in accordance with HUD regulations (see Chapter 8, Part 2, Section E.2).

If CMHA is required to determine the income eligibility of a student's parents, CMHA will request an income declaration and certification of income from the appropriate parent(s). CMHA will send the request directly to the parents, who will be required to certify to their income. The parents will be required to submit the information directly to CMHA.

CMHA reserves the right to request and review supporting documentation if it questions the declaration or certification. Supporting documentation may include, but is not limited to, Internal Revenue Service (IRS) tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, benefit award letters, and other official documents from a federal, state, or local agency.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 8. VERIFICATIONS OF INFORMATION**

#### **PART 4. VERIFYING MANDATORY DEDUCTIONS**

##### **A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS**

The dependent and elderly/disabled family deductions require that CMHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. **Parts 1 and 2 of this Chapter 8 govern the verification requirements**

##### **Dependent Deduction**

CMHA must verify that any person under the age of 18 or any person age 18 or older for whom the dependent deduction is claimed is either a person with a disability or a full time student.

##### **Elderly/Disabled Family Deduction**

CMHA must verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

##### **B. MEDICAL EXPENSE DEDUCTION**

The amount of the deduction will be calculated as described in Chapter 7 – Part 2. Parts 1 and 2 of this Chapter 8 govern the verification requirements

##### **1. Eligible Household**

The medical expense deduction is permitted only for households in which the head, spouse, or co-head is at least 62, or a person with disabilities. CMHA must verify that the family meets the definition of an elderly or disabled family.

##### **2. Qualifying Expenses**

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses as described in Chapter 7 – Part 3, and they must not be reimbursed by another source. The family will be required to certify that the medical expenses were not paid for or reimbursed to the family from any source.

##### **3. Expenses Incurred in Past Years**

When anticipated costs are related to on-going payment of medical bills incurred in past years, CMHA will require verification of:

- The anticipated repayment schedule;
- The amounts paid in the past; and,
- Whether the amounts to be repaid have been deducted from the family's annual income in past years.

#### **4. Verification of Medical Expenses**

CMHA will provide a third-party verification form directly to the medical provider requesting the needed information.

Medical expenses will be verified through:

- Third-party verification form signed by the provider, when possible.
- If third-party verification is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source may be used. In this case CMHA will make a best effort to determine what expenses from the past 12 months are likely to continue to occur in the future. CMHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

### **C. DISABILITY ASSISTANCE EXPENSES**

Policies related to disability assistance expenses are found in Chapter 7 - Part 2 - Section E. The amount of the deduction will be verified following the standard verification procedures described in Parts 1 and 2 of this Chapter.

#### **1. Amount of Expense**

**Attendant Care:** CMHA will accept a letter from the care provider and/or provide a third-party verification form directly to the care provider. If third-party verification is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from the care source must be provided.

**Auxiliary Apparatus:** CMHA will accept a letter received from the provider of the auxiliary apparatus or other third party verification of the actual or anticipated purchase or rental costs of auxiliary apparatus. If third-party verification is not possible, a billing statement, or other evidence of purchase costs or of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months must be provided.

In either case – Attendant Care or Auxiliary Apparatus - if third-party or document review is not possible, the family must provide a written certification of estimated apparatus costs for the upcoming 12 months. The family must be prepared to document the actual costs at the time of the next annual recertification.

## **2. Family Member(s) Permitted to Work**

CMHA must also verify that the expenses claimed actually enable a family member, or members (including the person with disabilities) to work.

CMHA will seek third-party verification from a Rehabilitation Agency or licensed medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work

## **D. CHILD CARE EXPENSES**

The amount of the deduction will be verified using the standard verification procedures described in Part 1 of this Chapter. In addition, CMHA must verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
- The costs enable a family member to pursue an eligible activity.
- The costs are for an allowable type of child care.
- The costs are reasonable based upon prevailing local childcare rates.

### **1. Eligible Child**

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13.

Note—Child care expenses for a disabled child regardless of age are considered a disability expense.

### **2. Unreimbursed Expense**

To be eligible for the child care deduction, the costs must not be reimbursed by another source. The family will be required to certify that the child care expenses claimed are not paid by or reimbursed to the family from any source.

### **3. Pursuing an Eligible Activity**

CMHA must verify that the family member(s) identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities. CMHA will request and analyze information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation (see Title XX rules regarding allowable hours for transportation and study), the time required for class attendance and study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family

member is enabled to pursue an eligible activity.

**Seeking Work:**

Whenever possible, CMHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases CMHA will request verification from the agency of the family member's job seeking efforts to date and require the family to submit to CMHA any reports provided to the other agency.

**Furthering Education:**

CMHA will obtain the class schedule or similar documentation from academic or vocational educational institution to document that the person is enrolled.

**Gainful Employment:**

CMHA will seek verification from the employer of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

**4. Allowable Type of Child Care**

CMHA will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., CMHA will prorate costs if some of the care is provided for ineligible family members).

**5. Reasonableness of Expenses**

Only reasonable child care costs can be deducted. The actual costs the family incurs will be compared with CMHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family requests costs that exceed typical costs in the area, CMHA will request documentation, to support a determination that the higher cost is appropriate.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 9. BRIEFINGS, VOUCHER ISSUANCE AND PORTABILITY**

#### **A. BRIEFINGS**

##### **1. Purpose of the Briefing**

- a.** Explain the Voucher Program
- b.** Review the information packet
- c.** Review family obligations under the Program

##### **2. Briefing Attendance Requirement**

All families will be notified and required to attend a briefing class before they are issued a Voucher. No Voucher will be issued unless the household head has attended a briefing class.

A family who provides prior notice of their inability to attend a briefing class will be scheduled for the next briefing class. Only one rescheduled class is permitted.

Failure of a family to participate in a scheduled briefing class may result in withdrawal of their application. The family will be notified of their withdrawal from the wait list and of their right to an informal review. A family who is withdrawn from the wait list for failure to attend the briefing class must wait six months from their withdrawal date before they can reapply for Housing Choice Voucher assistance (if the wait list is open).

##### **3. Format of the Briefing**

A Housing Choice Voucher staff member will brief Voucher families in a group environment. During the briefing, families will have the opportunity to inquire about their Total Family Payment or Housing Voucher Payment calculation and how utility allowances are calculated. Families will be requested to sign relevant documents including their Voucher prior to or after the briefing.

The family will be given a briefing information packet and an oral briefing on the following subjects:

- A description of how the Voucher Program works;
- Family and owner responsibilities;
- Where the family may lease a unit - outside or inside of CMHA's jurisdiction (portability);
- Explanation on portability policies and procedures;
- Explanation of the advantages of moving to an area that does not have a high concentration of low income families;

- Briefing packet items such as utility allowances, instructions, certifications, and forms;
- Housing Quality Standards;
- How to locate and select a unit;
- Tenant screening policies; and,
- Other items included in the briefing packet.

#### **4. Household Obligations under the Housing Choice Voucher Program**

Under the Housing Choice Voucher Program, the relationship between family and landlord are the same as in the private housing market. The lease with the landlord governs this relationship.

After receiving a Housing Choice Voucher, the family has the following obligations:

- Finding a rental unit that meets the minimum housing quality standards (HQS) for size of the unit;
- Submitting the Request For Tenancy Approval Form to CMHA within the Voucher period for CMHA approval;
- Keeping appointments set by CMHA for determination of continued eligibility and for unit compliance with HQS;
- Notifying CMHA in within the time frames defined in Chapter XV of this Administrative Plan, of changes in household composition and income;
- Notifying their owner and CMHA prior to moving from their unit; and,
- Complying with other obligations of the family as listed on the family's Voucher.

#### **5. Owner Referrals of Housing**

Based upon information received from owners, CMHA maintains a list of available units. This list will be provided to Voucher holders at their briefing sessions. This list is updated monthly and is available to the public.

#### **6. CMHA Policy on Furnishing Information to Prospective Landlords**

Upon a prospective landlord's written request, CMHA will furnish the family's current address and the name and address of the family's current and previous landlord if the information is available from CMHA's records. No other information will be furnished without the written consent of the family.

#### **7. Security Deposit Requirements**

CMHA will allow a prospective owner to collect a security deposit of not more than one month's CMHA-approved contract rent from the family. When the family moves from

the unit, the owner, subject to local and state law, may use the security deposit for unpaid rent, unit damages, or other amounts the family owes under the lease

## **B. VOUCHER ISSUANCE**

At the briefing session, each family will be issued a Housing Choice Voucher Form that specifies the rights and responsibilities of family.

### **1. Expiration Dates**

The Voucher is valid for a period of 90 days from the date of issuance. The family must submit a Request for Tenancy Approval and Lease within the 90-day period unless CMHA has granted an extension. If there are problems in locating a suitable unit, the family should contact CMHA to inquire about assistance from CMHA.

### **2. Extensions**

Under limited circumstances, a family may request a one-time 30-day extension of the Voucher issuance period. The maximum time period for a Voucher cannot exceed 120 days. Requests for extensions must be received prior to the expiration date of the Voucher or, if the expiration date falls on a weekend or holiday, on the following workday.

Extensions are permissible at the sole discretion of CMHA. Examples of acceptable reasons follow:

- Hospitalization or a family emergency for an extended period of time that has hampered the family's ability to find a unit within the initial 90-day period. Verification is required.
- Demonstration of a good faith effort to locate a unit throughout the initial 90-day period.
- Submission of Request for Tenancy Approval within the 90-day period, but the unit either fails to pass the HQS inspection or the CMHA inspection is not timely.
- **A family member is disabled and requests a reasonable accommodation (see Chapter 2, Objective VII) that delays the search for a suitable unit.** The 120-day limit does not apply to disabled families, but the unit searching time must be a continuous period of time from the initial issuance date. However, the search period may be ended at CMHA's discretion. If an extension is granted beyond the 120 period, income must be re-certified.

## **C. PORTABILITY OF VOUCHERS**

### **1. General Policies**

A family issued a Voucher may lease a unit anywhere in the jurisdiction of CMHA (Franklin County) or outside the CMHA jurisdiction. CMHA will cooperate with Public Housing Authorities in other jurisdictions (“receiving housing authority”) in accommodating portability from or to CMHA.

### **2. “Portability” Eligibility**

#### **a. Porting Out to Another Jurisdiction**

A family must meet CMHA and HUD eligibility requirements as described in this Administrative Plan to receive a Voucher from CMHA. If family desires to take advantage of the portability regulations before leasing a unit in CMHA’s jurisdiction and transfer their Voucher to another jurisdiction, the family must meet the eligibility requirements and guidelines of the “receiving housing authority.”

After leasing a unit in CMHA’s jurisdiction, the Voucher may not be ported out for 12 months (the initial lease period) without consent of the landlord and CMHA.

#### **b. Porting in to CMHA’s Jurisdiction**

Families that have received a Voucher in another jurisdiction that desire to lease a unit in CMHA’s jurisdiction must meet CMHA’s admission requirements as described in this Administrative Plan.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 10. LOCATING AND SECURING APPROVAL OF SUITABLE HOUSING**

#### **A. RESPONSIBILITY FOR LOCATING HOUSING**

When a Voucher has been issued to the family, it is the family's responsibility to locate suitable housing. Suitable housing must meet at least the following tests:

1. The unit must be able to meet Housing Quality Standards.
2. The minimum number of bedrooms must be appropriate for the family size (see Chapter 6).

CMHA will maintain updated referral lists of owners who have called CMHA to list their available units. The list will be provided to families at their Voucher briefing. Housing referrals lists are also available in CMHA offices.

#### **B. ELIGIBLE TYPES OF HOUSING**

The following types of housing may be utilized in the Voucher program:

- All structure types - including but not limited to single family homes; duplexes; multifamily garden apartments, town houses and walk-ups; and high rises.
- Manufactured homes where the family leases the mobile home and the pad.
- Manufactured homes where the family owns the mobile home and leases the pad.
- Independent Group Residences.
- Congregate Housing.

#### **C. REQUEST FOR TENANCY APPROVAL AND OWNER LEASE**

The Request for Tenancy Approval and the Owner's lease must be submitted prior to the expiration of the Housing Voucher unless the Voucher has been extended by CMHA.

The Request for Tenancy Approval Form must be signed and submitted to CMHA by both the owner and the Voucher family along with an unsigned copy of the lease that the owner will be using for the unit. No more than one Request for Tenancy Approval may be submitted unless the unit is rejected by CMHA or withdrawn by the owner or family.

CMHA will approve the lease and the Request for Tenancy Approval Form if the lease conforms

to HUD and CMHA requirements and if both parties properly execute the Request for Tenancy Approval Form. CMHA reserves the right to reject the Request for Tenancy Approval if the gross rent (proposed contract rent plus family paid utilities) is not supported by a comparable rent analysis.

#### **D. RENT BURDEN AND VOUCHER AFFORDABILITY**

CMHA will not approve a unit for a Voucher HAP Contract if a family's rent burden exceeds 40 percent. Rent burden is defined as the amount that a family must pay toward rent and utilities expressed as a percentage of the family's adjusted monthly income as calculated by CMHA. The rent burden limit determination will be made at the time the Request for Tenancy Approval is submitted.

#### **E. CMHA APPROVAL OF OWNER**

CMHA will not approve an owner's unit if HUD has informed CMHA that the owner is debarred, suspended, or subject to limited denial of participation. HUD may also direct CMHA to deny an owner to participate for violations of fair housing or other federal equal opportunity requirements.

CMHA may also deny approval to lease a unit from an owner if the owner has:

- Violated owner obligations under a Housing Assistance Payment Contract.
- Failed to refund a security deposit after the unit has been vacated.
- Charged more rent to Housing Choice Voucher families than non-Housing Choice Voucher families.
- Made false certifications or provided false information to CMHA for the purpose of economic gain (fraud).
- Engaged in illegal landlord actions prohibited by the HUD regulations and/or the Ohio Revised Code.
- Compensated CMHA employees in exchange for referring prospective tenants.
- Induced CMHA employees to not enforce HQS regulations and/or to grant excessive HAP contract rent determinations.
- Demanded and/or accepted illegal payments from Housing Choice Voucher families.
- Made side agreements with a family for extra rent without the knowledge and consent of CMHA.

- Failed to attempt to evict families who have been arrested for illegal drug use, possession, and/or selling after being notified of a drug raid by local law enforcement authorities.
- Failed to notify CMHA within 30 days of vacated Voucher assisted units.
- Failed to provide eviction notices to CMHA within 10 days of the eviction .
- Permitted the family to have unauthorized boarders or lodgers.
- Allowed a HCV tenant to sub-lease a Voucher assisted unit.
- Committed fraud, bribery, or other criminal acts on a mortgage loan application.
- Been convicted of the sale or distribution of illegal drugs.
- Failed to pay delinquent state taxes or local real estate taxes or fines.
- Been convicted of local housing code violations.
- Been in **non-compliance with HQS** for Voucher assisted units.

## **F. SUSPENSIONS FOR NON-COMPLIANCE**

For purposes of this Section, “owner” includes any person or entity that enters into a HAP contract and is assigned a vendor account number by CMHA. If an owner’s participation is suspended, that suspension may, at CMHA’s discretion, apply to all entities participating in the Voucher program in which that owner holds any direct or indirect interest.

### **1. Non-Compliance with HQS**

Non-Compliance with Housing Quality Standards is defined as:

- Six or more rent abatements in the preceding 12 months;
- Four or more HAP contract cancellations due to HQS non-compliance in the preceding 12 months.
- Four (4) or more units were submitted for initial (move-in) HQS inspections in the preceding 12 months that had more than 6 HQS violations (including any utility not operating at the time of the initial inspection) and were not ready for immediate occupancy; or
- The owner is currently cited by local code enforcement authorities for serious rental property code violations, and these violations have not been corrected. Serious code

violations are building code violations that pose an immediate threat to the safety and health of the legal occupant as determined by CMHA.

If any of the above instances of **non-compliance with HQS** occurs, CMHA may suspend an owner's future participation in the Housing Choice Voucher Program for a period of 12 months from the date of notification to the owner. Suspension of participation means that CMHA will not enter into new HAP Contracts with the owner for a period of twelve months. Reinstatement of the owner's participation will depend on CMHA's evaluation of the owner's efforts to comply with CMHA, HUD, state, and local laws and regulations. If CMHA determines that the owner has not made a good faith effort, the suspension may continue for additional 12-month periods until the owner demonstrates to CMHA's satisfaction that sustained progress has been made in achieving compliance..

Existing HAP Contracts are not affected by the above policies as long as the units continue to meet HQS requirements. HQS violations in these units will be handled on a case-by-case basis. CMHA reserves the right to deny owners future participation in the Voucher Program if there is a repeated pattern of non-compliance with HQS in units currently under HAP Contract..

## **2. Other Program Violations**

Owners may also be suspended from or denied participation in the Voucher Program for repeated instances of the Program violations listed in Section E immediately above.

## **3. Permanent Suspensions**

CMHA may permanently deny an owner from future participation in the Voucher Program if it is determined to be in the best interest of CMHA.

## **4. Notification and Appeals**

Written notification will be given to owners of any actions initiated under this Chapter including the appeal procedure (see Chapter 19 for information on owner appeals).

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 11. INSPECTION POLICIES AND HOUSING QUALITY STANDARDS**

#### **A. GENERAL PURPOSE**

CMHA is required by HUD regulations to inspect units to ensure they comply and remain in compliance with Housing Quality Standards. Unless these Standards are met, HCV rental assistance cannot be provided.

CMHA conducts four types of inspections:

- Initial (move-in)
- Annual
- Complaint (Damages/Emergencies)
- Quality Control

#### **B. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS**

CMHA adheres to the acceptability criteria in the Housing Choice Voucher Program regulations and the HUD Inspection Booklet with the following exceptions:

- Units with windows that are designed to be opened must all have screens unless the unit is located in a building that has total HVAC system and does not have windows that can be opened for fresh air.
- Owners are required to remove and/or repair or cover defective paint surfaces prior to entering into a HAP contract. For exterior work, an extension may be granted as a severe weather-related item.

Please note that correction of defective paint surfaces in units built prior to 1978 are governed by the Lead-Based Poisoning Prevention Act of 1992. These requirements apply to dwelling units that are occupied or can be occupied by families with children under six years of age. Inspections and corrective actions in these cases will be conducted in compliance with the 1992 Act and HUD regulations. (See Appendix 11-1 Lead Based Paint)

Major surfaces for non-lead based units are defined as follows:

- Interior: More than two square feet on any wall surface.
- Exterior: More than 20 square feet on any wall surface.
- Interior or exterior building components (window sills, soffit, fascia, trim, etc.) with more than 10 percent damage.

- For defective paint surfaces that must be remedied by repainting, only solid (opaque) color paints and solid color stains that are designed to cover the defective surface are acceptable. Clear stains and sealers that do not thoroughly cover the defective paint surface are not acceptable. Clear coatings that are worn off and must be repaired, such as varnish on a hardwood floor, must be covered with products that are similar to the original coating.
- Adequate interior heat shall be considered to be 68 ° F.
- CMHA may declare that unsanitary conditions exist in a unit where exposed food, garbage, and excrement present a health hazard to occupants.
- Suitable covered containers for the temporary storage of refuse/waste/garbage are required. Plastic trash bags will not be considered as adequate covered containers.
- In units where the family must pay for utilities, each unit must have separate metering devices for measuring consumption.

Repair or replacement of structure elements such as exterior painting and concrete repairs will be given an extended deadline if weather inhibits adequate repair or replacement. If the unit does not pass inspection by the extended deadline, CMHA may abate rent and cancel the HAP Contract for owner noncompliance.

At CMHA's sole discretion, extensions of up to 60 days may be granted to permit a landlord to complete repairs if the landlord has made a good faith effort to initiate repairs and the delay is beyond the owner's control. If repairs are not completed by the extension date, CMHA may abate rent and cancel the HAP contract for owner noncompliance.

### **C. INSPECTIONS AND REINSPECTIONS – VERIFYING CORRECTIVE ACTIONS**

CMHA has adopted new policies and procedures enabling acceptance of certifications from landlords and/or tenants that corrective action has been taken on failed inspection items. The goals are:

- 1) To eliminate physical re-inspections for minor failed items to reduce inspector workload without sacrificing housing quality standards.
- 2) To serve clients more efficiently by reducing the number of visits inspectors will need to make to each property, thereby eliminating the inconvenience and any cost involved for a second inspection for both the owner and the tenant.
- 3) To reduce the time needed to verify correction of HQS deficiencies and to take subsequent actions.

**Falsifying information on this certification may be grounds for HAP contract cancellation and/or tenant program termination. The certification format follows:**

## Housing Quality Standards Owner/Tenant Certification of Repairs

**Date of Inspection** \_\_\_\_\_

**Tenant Name** \_\_\_\_\_

**Owner Name** \_\_\_\_\_

**Address** \_\_\_\_\_

**Address** \_\_\_\_\_

**City, State, Zip** \_\_\_\_\_

**City, State, Zip** \_\_\_\_\_

Dear **(Owner/Tenant Name):**

On \_\_\_\_\_, an **annual** Housing Quality Standard (HQS) inspection was conducted on the unit specified above. Unfortunately, the unit **failed** the inspection. The violation(s) cited during the inspection are listed below.

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

In place of a second physical inspection, Columbus Metropolitan Housing Authority (CMHA) **requires** that eligible owners and the family Head of Household (HOH) self-certify the repair/s have been completed.

This form must be signed by both the owner and HOH and returned within 28 days of the inspection. It is the owner's responsibility to complete this form, to obtain the client's signature, and return the completed form to CMHA within the required timeframe. **This certification must be post marked or received by CMHA before the close of business on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_.**

Please return the form to: Inspections Department  
Certification of HQS Repairs  
880 East 11<sup>th</sup> Ave  
Columbus, OH 43211

or Fax response to: 614-XXX-XXXX  
or scan and email response to:  
inspections@CMHANET.com

**If this certification is not post marked and/or received by CMHA within the required time frame the unit will go into abatement and be scheduled for termination.**

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I certify that the above repairs are complete and the cited HQS deficiencies have been corrected. I understand that any falsification of information is grounds for HAP contract cancellation and client program termination. I also further understand that making false statements, committing fraud, misrepresentation or providing false information is punishable under state and federal law. CMHA reserves the right to conduct a special follow up or quality control inspection to ensure all (HQS) have been corrected at anytime.

**Owner Printed Name** \_\_\_\_\_

**Head of Household Printed Name** \_\_\_\_\_

**Owner Signature** \_\_\_\_\_

**Head of Household Signature** \_\_\_\_\_

**Owner Telephone Number** \_\_\_\_\_

**Head of Household Telephone Number** \_\_\_\_\_

**The certification policy for each type of inspection follows:**

**a. Initial Inspections**

**All units for all HCV programs must be inspected prior to occupancy for compliance with HQS. HUD regulations require CMHA to make physical reinspections to verify that all HQS deficiencies have been corrected prior to entering into a HAP contract with the landlord. Certifications cannot be accepted.**

**b. Annual Inspections**

**All units must be inspected on an annual basis for continued compliance with HQS. As permitted by HUD regulations, CMHA has the option to accept landlord certifications that HQS violations have been corrected and does not need to make physical reinspections unless warranted in CMHA's judgment. CMHA's policies on landlord certifications are described in Section D below.**

**For the Shelter Plus Care Program, CMHA will make physical reinspections to verify correction of HQS violations. This requirement can be waived at CMHA's sole discretion.**

**c. Complaint Inspections (Damages/Emergencies)**

**CMHA will determine on a case-by-case basis whether or not a physical inspection is necessary and whether or not a physical reinspection is necessary. The landlord and tenant will be notified accordingly. If a health and safety HQS violation considered to be of an emergency nature (see Section G below) is discovered during any inspection, a physical reinspection must be conducted to verify that corrective action has been taken. Acceptance of landlord/tenant certifications of corrective actions with respect to non-emergency complaints are at CMHA's discretion.**

**d. Quality Control Inspections**

**CMHA is required to make a reasonable number of Quality Control inspections to ascertain that inspectors are making accurate determinations of HQS deficiencies and the corrective actions required. If new HQS violations are discovered, CMHA has the discretion to determine whether or not a landlord/tenant certification of corrective action will be accepted. These inspections may be conducted at any time.**

**D. LANDLORD/TENANT CERTIFICATION GUIDELINES**

**(The Guidelines are presented in a Question and Answer format.)**

**1. What owners/landlords are eligible to participate in the Certification procedure?**

**Owners and landlords who have distinguished themselves as being responsible and responsive in complying with Housing Quality Standards (HQS) are permitted to**

self-certify the repair of minor HQS failed items on annual inspections (or other inspections at CMHA's discretion) as outlined in this policy. CMHA has the discretion to end participation in the certification procedure at anytime.

- a. Any owner currently under suspension will not be able to certify.
- b. If CMHA determines that a false certification of repairs was made by an owner and/or tenant, participation in the certification procedure may be suspended. Under egregious circumstances, CMHA may prohibit said owner/tenant from further participation in the HCV program.

**2. What failed results on an annual or other qualifying inspection would be eligible for a certification instead of a physical reinspection?**

- a) Any inspection with 3 or less failed items that are not considered an emergency are eligible for a certification instead of a second inspection at the discretion of the inspector. If the failed inspection has 4 or more failed items a second physical inspection must be conducted regardless of the nature of and responsibility for correcting each failed item.
- b) Paint Defect Policy
  - 1) Lead-Based Paint Units - Any unit built prior to 1978 that received a failed inspection from peeling paint will require a physical re-inspection.
  - 2) Non-Lead-Based Paint Units - All units built after 1978 are eligible for certification of corrective actions if they meet the other program requirements.

**3. Who must sign the certification?**

The certification must be signed by both the tenant and landlord. The tenant signature may be waived at CMHA's discretion.

**4. Is participation in the certification program optional?**

No - If the failed inspection is certification eligible, a certification is required in lieu of a second inspection.

**5. Under what circumstances would abatement be initiated?**

Rent abatement procedures will be initiated if the certification is not received or post marked by the date specified in the Failed Inspection letter. If the unit goes into abatement, the rent will be abated as of the due date of the certification. When abatement is proposed, the normal procedures for a failed re-inspection will occur as described in Sections H, I and J immediately below.

## **E. SCHEDULING AND CONDUCTING INSPECTIONS**

### **1. Initial/Move-in Inspections**

CMHA will schedule the initial inspection of the unit as soon as possible (but no later than ten calendar days) after receipt of a Request for Tenancy Approval Form and Lease. The unit must be ready for inspection at the time RTA is received by CMHA. The owner will be notified of the inspection results and given a deadline to correct the items noted as “Fail.”

CMHA reserves the right to refuse to conduct the inspection if CMHA determines that the unit is not ready for inspection.

The owner will only be allowed one re-inspection of the HQS violations initially cited. Any additional inspections are at CMHA’s sole discretion, but a physical reinspection is required to determine if violations have been corrected.

When CMHA accepts a family’s Request for Tenancy Approval, the “clock” for 90-day calendar period allowed for the family to find suitable housing stops during the inspection process. If the unit fails to meet HQS requirements, the “clock” restarts when CMHA rejects the unit and reissues the Voucher to the family to search for and submit another unit for inspection.

### **2. Annual Inspections, Complaint Inspections and Quality Control Inspections**

CMHA is required to inspect all units at least biennially (every two years) to verify that Housing Quality Standards are being maintained according to HUD regulations (CFR—982.401). CMHA will schedule each annual inspection within 730 days of the date when the last full inspection was initiated. CMHA will determine the frequency each unit is inspected. Notification will be sent out to both the tenant and the owner prior to the scheduled inspection date.

It is the responsibility of the tenant to be present for all annual inspections and any resulting re-inspections. The tenant may elect to have another representative such as the owner be present for the inspection. CMHA will not conduct any form of inspection if there is not at least one adult present.

In the event there is no one home at the time the inspector arrives for the inspection the inspection will be rescheduled. Each annual inspection may only be rescheduled one time. After two missed inspections the tenant will be subject to program termination.

Failure to comply with HQS violation notices issued from annual inspections will result in abatement of payment to owners and/or termination of program assistance for tenants.

CMHA must investigate complaints about HQS matters that are registered by tenants, owners, or the general public. Violations resulting from complaint inspections are treated in the same manner as annual inspection violations. Failure to comply with violation notices issued from complaint inspections will result in abatement of payment to owners and/or termination of program assistance for tenants.

CMHA also has the right to complete a full inspection on any unit that is currently participating in the Housing Choice Voucher Program or the Shelter Plus Care Program at anytime.

CMHA must reinspect a sample of units under contract during each fiscal year for Quality Control assurance. Quality Control inspections will be conducted at random. All tenants and owners are required to comply with the request for a Quality Control inspection. Failure to comply or be present for said inspection will lead to abatement and/or program termination for tenants.

#### **F. DEADLINE FOR CORRECTING HQS FAIL ITEMS FOR UNITS UNDER HAP CONTRACT**

The owner or family will be given time to correct the failed items cited on the inspection report for a unit under contract. If the item endangers the family's health or safety (see Section G below), the owner or family will be given 24 hours to correct the violations. For less serious failures, the owner or family may be given up to 30 days to correct the item(s). Repair deadlines are at CMHA's sole discretion. Where appropriate, the owner and/or family will be allowed to certify that corrective actions have been taken in lieu of a physical re-inspection (see Section D above).

#### **G. EMERGENCY FAIL ITEMS**

At a minimum, the following items are to be considered of an emergency nature and are to be corrected by the owner or family within 24 hours of notice by the Inspector (other items may be declared at the discretion of the inspector):

- Broken lock on first floor windows or any exterior door.
- Electrical outlet that is smoking or sparking.
- Entire window missing (security and weather concerns).
- Natural gas/propane leaks from stove.
- Major plumbing leak(s).
- Natural gas leak or fumes.
- Electrical situation which could result in shock or fire.
- No heat (outside temperature is below 60 degrees Fahrenheit).
- No water.

- No electricity.
- Presence of raw sewage.
- Inoperative smoke detector.

CMHA may give a short extension (not more than 48 additional hours) where the owner or family cannot be notified or it is impossible to repair the cited item(s) within the 24-hour period.

If emergency items that are the owner's responsibility are not corrected within the initial or extended period, the HAP Contract will be canceled immediately by notice to the owner.

If emergency items are the family's responsibility to correct and are not corrected within the initial or extended period, CMHA will terminate the HAP Contract immediately by sending written notice to the family and owner.

## **H. RENT ABATEMENT POLICIES**

When it has been determined that a unit on the program fails to meet non-emergency Housing Quality Standards and the owner or tenant has been given an opportunity to correct the problem(s) and does not do so within the time frame (up to 30 days) established by CMHA, procedures for rent abatement for the landlord or program termination for the tenant shall be initiated. The owner will not be abated for family caused HQS violations.

The proposed compliance period shall be 10 days. If the correction is not made, the **abatement or program termination process will continue as described below in Sections I and J.**

CMHA will inspect abated units within 5 days of the owner's contact with CMHA provided the compliance has occurred within the 10-day period referenced above. The abatement will end the first calendar day following the owner's notice to CMHA **if** the unit passes inspection.

## **I. HAP CONTRACT TERMINATION FOR OWNER CAUSED NON-EMERGENCY HQS VIOLATIONS**

If the owner fails to correct all the items within the initial 10-day abatement period, CMHA will send a minimum 30-day HAP contract termination notice to the owner and family. During this period (ending the last day of the month following the month the notice is issued), the landlord abatement will remain in effect, and the tenant must continue to pay the tenant portion of the rent.

Immediately after the HAP termination notice is sent, the tenant will be scheduled for an interview and issued a Voucher for the purpose of seeking a unit that meets HQS standards. The Voucher will be valid for a 90-day calendar period. An extension may be granted for a disabled person at CMHA's discretion. Further, the tenant will be advised that if they remain in the non-

compliant unit after the proposed termination date, they will be responsible for the entire rent to the landlord.

If the landlord takes corrective action within this 30-day notice period, a followup inspection may be requested by the landlord with the tenant's concurrence. However, only one additional Housing Quality Standards inspection will be conducted to verify if repairs have been completed. If the unit passes, the HAP contract can be reinstated if the tenant agrees to stay in the unit.

#### **J. VOUCHER TERMINATION FOR FAMILY CAUSED NON-EMERGENCY HQS VIOLATIONS**

If the family fails to make the required repairs by CMHA's deadline, CMHA will send a proposed notice of Voucher termination to the family and owner. The proposed termination notice will offer the family an opportunity to request an informal hearing with CMHA.

If Voucher termination is proposed, the owner will continue to receive a HAP contract payment until the effective Voucher termination date. If the family is granted an informal hearing, the owner will continue to receive a housing Payment until otherwise notified in writing by CMHA.

If the family fails to request an informal hearing with CMHA within the designated deadline or if the informal hearing does not resolve the non-compliance issue, CMHA will send a final notice of Voucher termination to the family and owner. The effective date will be the last day of the month following the month the notice is issued.

During this notice period, if the tenant (or landlord at the landlord's option) takes action to correct the HQS violations, a one-time reinspection may be requested with the consent of the landlord. If the unit passes, the tenant may retain their Voucher and remain in the unit if the landlord agrees. The landlord is entitled to recover costs for repairs of tenant caused damages from the tenant's rent deposit.

If the tenant remains in the unit after the Voucher termination date, the tenant will be responsible for the entire rent to the landlord.

#### **K. RESPONSIBILITY OF THE FAMILY AND LANDLORD TO COOPERATE IN SCHEDULING AND CONDUCTING INSPECTIONS**

CMHA must be allowed to inspect the unit during normal business hours with reasonable notice. At a minimum the landlord or a representative must be present at the initial move-in inspection; the family may be present if the landlord consents. The landlord and the family will be notified of the inspection appointment by mail.

At subsequent inspections, either an adult family member or the landlord or a representative must be present. The landlord and the family will be notified of the inspection appointment by mail. If the family is not able to be at home, the family must call to reschedule the inspection or

make arrangements to have an adult family representative or the landlord present. CMHA will not conduct inspections when there is no adult present in the unit.

If the family misses the inspection appointment and does not arrange for the representative or the landlord to be there, one final inspection appointment will be scheduled. The landlord and the tenant will both be notified of this final inspection so that either or both may choose to be present and try to avoid possible termination of program assistance or the HAP contract.

If the family misses two inspection appointments, CMHA will consider the family to have violated a family obligation and their assistance is subject to termination. Termination procedures are described in Chapters 16 and 17.

## **APPENDIX 11-1**

### **LEAD-BASED PAINT**

The Lead-Based Paint Poisoning Prevention Act as amended (42 USC 4821-4846) and the Residential Lead-Based Paint Hazard Reduction Act of 1992 and implementing regulations at 24 CFR Part 35 Subparts A, B, M and R apply to the Housing Choice Program. These requirements apply to units built prior to 1978 that are occupied or will be occupied by families with children under six years of age.

#### **1. Lead-Based Paint Hazard Notification**

Before requesting a unit inspection and execution of a lease for pre-1978 units that will be occupied by a family with children under 6 years of age, the owner or owner's agent must disclose any knowledge of lead-based paint or lead-based paint hazards and provide the family and CMHA with a copy of the Disclosure of Information of LB Paint and/or LB Paint Hazards Form CMHA provides to prospective tenants. This will assist all parties in identifying and assessing existing and potential LBP hazards during the unit inspection.

#### **2. CMHA Inspections**

During initial and annual inspections of pre-1978 units that are or will be occupied by families with children under 6 years of age, the CMHA inspector will conduct a visual assessment for deteriorated painted surfaces within the dwelling unit, exterior painted surfaces associated with the dwelling unit, common areas of the building through which residents must pass to gain access to the unit garages and fences on the assisted property. This also includes any areas frequented by resident children under six years of age, such as play areas and child care facilities.

#### **3. Corrective Actions**

If lead-based paint hazards are identified, landlords are responsible for undertaking all remedial actions in conformance with approved practices for the stabilization, removal, clearance, application of protective coatings, etc. of lead-based paint surfaces. In the case of occupied units, this includes protecting the occupants and their belongings from contamination. All corrective actions must be completed within 30 days of notification to the landlord. With the notification of unacceptable LBP conditions, CMHA will include a Compliance Certification Form that must be signed and returned to CMHA when the corrective action is completed – landlords should review this Form carefully before undertaking corrective actions to be certain of compliance with the certification requirements. Failure to correct LB Paint HQS violations can result in the termination of the HAP contract.

#### **4. Acceptability Determinations**

CMHA's lead-based paint determinations as to the acceptability of a unit occupied or to be occupied by a family with children under 6 years of age, either before or after any corrective

action is undertaken by the landlord, are final. Only CMHA, not the family, may make these determinations. CMHA's decisions will be for the essential purpose of protecting children under the age of six from exposure to lead-based paint. If a family is required to move because of unacceptable LB Paint conditions, its HCV will be reissued for the purpose of moving to an acceptable unit.

## **5. Children with Environment Intervention Elevated Lead Blood Levels**

### **a. Notifications of Elevated Blood Lead Levels to CMHA**

When CMHA receives notification from a medical health care provider or public health department of an environmental intervention elevated blood lead level child living in an HCV program unit, CMHA will proceed to have a risk assessment conducted of the unit, common areas and exterior surfaces. The family, owner or outside sources may also provide information to CMHA of an elevated blood lead level child; in these instances, CMHA will immediately verify the information with a medical health provider or public health department and await notification of the condition before proceeding to have a risk assessment conducted.

### **b. Risk Assessments**

Within 15 days of receiving notification from a medical health provider or public health department, CMHA will have a risk assessment of the unit completed. The risk assessment must be conducted by a persons trained and certified by an EPA or state-approved agency. The assessment is an on-site investigation of the severity of the hazards and may include dust and soil sampling and paint testing as well as visual observations. The assessor will issue a report to CMHA on the investigation results, including any options and requirements for mitigation of the LBP hazards. CMHA will forward the report to the owner within 5 days and the owner must furnish the report to the tenants within 15 days of receipt from CMHA

If no hazards are identified in the risk assessment report, CMHA will refer the family to their health care provider and/or the public health agency for further evaluation. No further action will be required on the part of the landlord.

### **c. Consultations**

Given the serious nature of elevated blood lead levels and the need to initiate curative steps at the earliest possible date, CMHA will require a meeting with the landlord and the head of family as soon as possible after the risk assessment report has been issued. Considering the risk of continued LBP exposure (the unit will require annual monitoring to determine if paint surfaces have deteriorated after corrective action has been taken), and the potential liabilities of both CMHA and the landlord if the mitigation measures should prove to be inadequate, CMHA's policy will be to assist the family to relocate at the earliest possible date, but this does not preclude the discussion of other alternatives that acknowledge the responsibilities of and protect the rights of all parties.

#### **d. Corrective Actions**

If lead-based paint hazards are identified, landlords are responsible for undertaking all remedial actions in conformance with approved practices for the stabilization, removal, clearance, application of protective coatings, etc. of lead-based paint surfaces. This includes protecting the occupants and their belongings from contamination. All corrective actions must be completed within 30 days of notification to the landlord.

With the notification of the unacceptable LBP conditions, CMHA will include a Compliance Certification Form that must be signed and returned to CMHA when the corrective action is completed – landlords should review this Form carefully before undertaking corrective actions to be certain of compliance with the certification requirements. Failure to correct LB Paint HQS violations can result in the termination of the HAP contract.

#### **6. Ongoing Maintenance**

The owners of all pre-1978 units participating in the HCV program must:

- Make a visual assessment for deteriorated paint and any failed lead hazard mitigation measures at unit turnover and every 12 months of continued occupancy and take corrective action.
- Provide a written notice to occupants asking for reports of deteriorated paint; the notice must include the name, address and phone number of the responsible person.
- Provide CMHA with a Certificate of Compliance that these requirements are being met before the execution of the lease and at each annual inspection.

**COLUMBUS METROPOLITAN HOUSING AUTHORITY**  
**CHAPTER 12. LEASE AND HAP CONTRACT EXECUTION**

**A. DOCUMENT SUBMISSION REQUIREMENTS**

**1. Lease**

The lease used by an Owner must comply with HUD regulations, State, and local laws. It is the Owner's responsibility to ensure lease compliance with state and local law. The HUD Lease Addendum form must be incorporated in all leases. Owners should submit their lease forms to CMHA for review if there are concerns about HCV program compliance.

**All initial lease terms will be for a 12 month period and any automatic renewals will be limited to a maximum of a 1-year renewal term.**

**2. Proof Of Ownership**

Absent prior CMHA knowledge, Owners must submit proof of ownership of the property prior to execution of the Lease and HAP contract. If a management agent oversees the property, a copy of the Management Agreement must also be provided. These steps are necessary to assure correct delivery of HAP contract payments.

Proof of Ownership may be in the form of deeds, property tax invoices, property insurance documents or closing statement forms. Land contracts, purchase contracts and subleasing agreements are unacceptable.

**3. Tax Identification Numbers And Legal Name**

Owners must provide CMHA with the legal name of the property owner or ownership entity and the related tax identification number. CMHA may refuse to enter into a HAP contract unless the owner provides the correct IRS tax identification number and matching legal ownership name.

**4. Family Submissions**

The family is required to submit the a copy of the lease and Request for Tenancy Approval prior to the expiration date of their Voucher.

**B. UNIT APPROVAL – HQS INSPECTION AND RENT REASONABLENESS**

1. After appropriate documents are received and reviewed for accuracy and completeness, CMHA will inspect the unit for HQS compliance, make a rent reasonableness determination and notify the family and the landlord if the unit and lease have been approved or rejected. If

approved, the family, landlord and CMHA shall proceed with signing the lease and the HAP contract.

2. If the inspection reveals HQS violations, an opportunity for corrective action will be given to the landlord as described in Chapter 11. If violations cannot be corrected on a timely basis, the family will be reissued their voucher and directed to continue to search for another rental unit.

If the rent reasonable test is not met (see Chapter 14), CMHA shall advise the family and landlord and propose a revised rent. The family and landlord may accept the rent revision proposal or may negotiate an approvable rent and resubmit the lease and Request for Tenancy approval within 10 working days. If requested, CMHA can assist in these negotiations. If the negotiations are unsuccessful, the family will be reissued their voucher and directed to continue to search for another rental unit.

### **C. SEPARATE LANDLORD/TENANT AGREEMENTS**

Owners and families may execute agreements for services, appliances, and other items not normally provided under the lease if the agreement is in writing and approved by CMHA. If there is separate agreement, the family must have the option of not utilizing the service, appliance or other item.

Any appliance, service or other item which is routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or is permanently installed in the unit cannot be put under separate agreement and must be included in the lease. If the owner does not provide a range or refrigerator, CMHA may lower the contract rent.

CMHA is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements. If the family and owner have come to an agreement on the amount of charges for specific items, the charges will be approved if they are reasonable and not a substitute for higher rent. Copies of all separate agreements must be provided to CMHA.

### **D. HAP CONTRACT EXECUTION**

If the unit has passed the HQS inspection and the owner has accepted the contract rent, CMHA will prepare the HAP Contract and Lease Addendum. In preparing the documents, CMHA will compute the Total Family Payment, Family Rent, Utility Reimbursement (if any), and the Housing Assistance Payment. If significant changes have occurred since the Voucher was issued, the Total Family Payment will be recalculated in accordance with HUD and CMHA policies. CMHA will then notify the owner to execute the Housing Choice Voucher contract and place copies of the lease, contract, and lease addendum in the family's file.

Generally, families and owners will be required to visit CMHA's offices to execute the required documents. The documents may also be mailed out for signature with the Housing Assistance Manager's approval in hardship cases. All contract documents must be signed by both parties within 60 days of the contract effective date.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 13. OWNER PAYMENTS, UTILITY ALLOWANCES AND ADJUSTMENTS**

#### **A. OWNER PAYMENT IN THE HOUSING VOUCHER PROGRAM**

The Contract Rent is the total rent paid to the owner, including the Housing Assistance Payment (HAP) from CMHA and the Family portion of the rent.

The Contract Rent must be approved by CMHA and is based upon HUD's Fair Market Rents, CMHA's Payment Standards and a rent comparability analysis (See Chapter 14 – Rents and Rent Increases). Fair Market Rents and Payment Standards are reviewed annually and adjusted in accordance with Chapter 14 — Rents and Rent Increases

The Family portion of the rent is determined as described in Chapter 7 – Income and Payment Determination. The Total Tenant Payment is the amount the HUD regulations require the family to pay toward rent and utilities.

The Housing Assistance Payment to the owner is then based upon the Contract Rent approved by CMHA less the Family portion of the rent approved by CMHA.

#### **B. UTILITY ALLOWANCES AND REIMBURSEMENTS**

Utility Allowances are CMHA's estimates of the average monthly utility bills (except telephone and cable services) based upon type of unit. Utility Allowance Schedules are updated annually. Revised allowances are applied to new HAP contracts or adjusted at annual or interim re-certification. Allowances are not based on a family's actual energy consumption.

If all utilities are included in the rent, a family is NOT entitled to a Utility Allowance.

If the family pays for some or all utilities, CMHA will determine the Utility Allowance based upon the Utility Allowance Schedules. Approved Utility Allowance Schedules are given to families when they receive their Voucher, and CMHA calculates the actual allowance based on the lower of the unit size selected or the voucher size issued.

The Utility Allowance Payment is the amount by which the Utility costs for the unit exceeds the Total Tenant Payment.

Where families provide their own range and refrigerator, an allowance is given to enable the family to purchase, maintain, or rent a range or refrigerator even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance based on factors provided by HUD.

### **C. PAYMENT TIMING AND ADJUSTMENTS**

Monthly Housing Assistance Payments to owners and Utility Reimbursements to families begin upon execution of the HAP Contract.

Payment errors due to inaccurate use of utility allowances, incorrect rent calculations, or other mistakes affecting HAP and/or tenant rent discovered while performing client file reviews will be corrected within 30 days unless additional information must be obtained to remedy the problem. Reimbursement of Housing Assistance Payments or Utility Reimbursements will be made by special adjustment and noted in the tenant or owner file.

### **D. ELECTRONIC TRANSFER PAYMENT SYSTEM FOR OWNERS**

CMHA will issue payments to owners and housing assistance agencies by using a secure electronic transfer payment (ETP) system. Payments will be made to an owner's designated bank account or a prepaid reloadable debit card. Enrollment in the system is mandatory. Mandatory use of CMHA's ETP system is an administrative decision not subject to owner appeals.

Owners requested to enroll in CMHA's ETP system must complete the registration process within a reasonable deadline established by CMHA. Failure to enroll in CMHA's ETP system may cause CMHA to withhold all funds until the owner is successfully registered; terminate all existing housing assistance payment contracts; and/or deny the owner future participation in any of CMHA's assisted housing programs.

Use of CMHA's ETP system for owners is subject to the following terms and conditions:

The ETP Authorization Form must be completed prior to initiating enrollment.

A valid email address is required and must be kept current.

A correct taxpayer identification or social security number must be provided.

CMHA is not responsible to provide equipment, Internet access, or computer software.

Payments are subject to the terms of the HAP Contract.

CMHA has the right to withdraw monies from the owner's ETP account for payments made in error or to recover monies that the owner is not entitled to receive under the terms and conditions of the Housing Assistance Payment contract.

The owner is responsible for the security of their password and bank account information.

CMHA is not responsible for the misuse or theft of funds or for the loss or misuse of bank cards. Owners must report the theft of funds or loss or misuse of bank card to CMHA's financial institution partner upon learning of such misuse, loss, or theft.

## **E. ELECTRONIC TRANSFER PAYMENT SYSTEM FOR FAMILIES**

CMHA will issue Utility Reimbursement Payments to families by using a secure electronic transfer payment (ETP) system. Payments will be made via a special purpose reloadable bank debit card.. Use of the ETP system is mandatory. Mandatory use of CMHA's ETP system is a lawful administrative decision not subject to informal appeals.

Families eligible to receive a utility assistance payment must enroll in the ETP system at the time of voucher issuance or at their annual re-examination of income once the ETP system is operational. Families will enroll by completing an authorization agreement to receive payments through the ETP system.

Families required to enroll in CMHA's ETP system must complete the ETP system registration process prior to a reasonable deadline established by CMHA. Failure to enroll in CMHA's ETP system may cause CMHA to withhold all utility assistance payments until the family is successfully registered.

Use of CMHA's ETP system for families is subject to the following terms and conditions:

1. The ETP Authorization Form must be completed prior to initiating enrollment..
2. A valid email address is required and must be kept current.
3. A correct social security number must be furnished.
4. CMHA is not responsible to provide equipment, Internet access, or computer software.
5. Payments are issued under the following conditions:
  - a. The family legally occupies the unit on the first of each month for which the payment was made and has no other residence;
  - b. The family has complied with family obligations regarding their role to maintain the unit in compliance with the housing quality standards; and
  - c. The family is not paying any unauthorized additional rent other than the amount approved by CMHA in the housing assistance contract or as amended.
6. The family is responsible for the security of their password and bank debit card account information
7. CMHA is not responsible for bank fees for the excessive use or abuse of the bank card.
8. CMHA is not responsible for the loss, theft, or illegal use of the bank debit card. The family must report the loss, theft, or illegal use of the bank debit card to CMHA's financial institution partner immediately upon learning of the theft of funds or loss of the card.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **14. RENTS, PAYMENT STANDARDS AND RENT INCREASES**

#### **CMHA must:**

1. Determine that the rent to an owner is a Reasonable Rent in comparison to rent charged for comparable unassisted units in the open market.
2. Determine that the rent does not exceed rent charged by the owner for unassisted units in the same building and/or project.
3. Determine that the rent charged does not exceed HUD's Fair Market Rent (FMR) limitations or the Payment Standard (90 to 110% of FMR) established by CMHA
5. Determine that the rent charged does not exceed the rent allowed in Exception Rent areas (There are no Exception Rent areas in Franklin County at this time).
6. Process contract Rent Increases (if requested by the owner ) or reductions in accordance with the above requirements if required by HUD or CMHA.

#### **A. RENT REASONABLENESS DETERMINATION**

Rent Reasonableness determinations are made:

1. Before units are placed under HAP contract for the first time.
2. If an owner requests a rent increase.
3. If there is a 5 percent decrease in the HUD published Fair Market Rents.
4. If HUD directs CMHA to conduct a rent comparability analysis on a unit or units.
5. If CMHA determines, in its sole discretion, that a review of the rent being charged is warranted.

When comparing Housing Choice Voucher assisted units with open market units, CMHA will consider the location, quality, size, unit type, age, amenities, housing services, maintenance and utilities to be provided by the owner. CMHA maintains and utilizes a database with this information and rental rates on unassisted rental units in the metropolitan area to determine Reasonable Rents for Housing Choice Voucher-assisted units. CMHA inspects the Housing Choice Voucher property and evaluates it based upon its comparability to nearby comparable unassisted units.

In addition to the foregoing indicators, CMHA reserves the right to make further adjustments to an owner's requested rent based upon unusual or extraordinary circumstances including, but not limited to, a high vacancy rate; the absence of comparable data; or other factors which may affect the rent of a Housing Choice Voucher assisted property;. such determinations require the approval of the Vice-President of the Housing Choice Voucher Program.

For the sole purpose of determining rent reasonableness, a room that qualifies as a sleeping area under Housing Quality Standards cannot be considered a bedroom if the room is used as the only means of access to another room that could be used as a sleeping area. In units where a room that was formerly used as a dining room or other living area has or can be converted to a sleeping area, the unit will not be recognized as a larger bedroom size unit unless so designated by the Franklin County Auditor.

For multifamily properties, CMHA may complete its rent reasonableness review by issuing a "blanket determination" approving Housing Choice Voucher contract rents for similar units within the property. A "blanket determination" is made after reviewing the open market rents at the property and those of nearby comparable properties. In units where the family must pay for the utilities, each unit must have separate metering devices for measuring consumption. Otherwise, the owner is responsible for the utility payment; the family's utility allowance will be adjusted appropriately.

(See Chapter 24 for rent determinations in the Project Based Voucher program.)

## **B. FAIR MARKET RENTS AND PAYMENT STANDARDS**

On an annual basis, HUD publishes Fair Market Rent (FMR) schedules for all areas under the jurisdiction of a PHA. The FMR's for CMHA are based on the 40<sup>th</sup> percentile of rents charged for standard rental housing in the Columbus metropolitan area. A PHA is permitted to establish a Payment Standard ranging from 90% to 110% of the FMR, and may set them higher or lower than these limits with HUD approval.

The Gross Rent (contract rent plus family-paid utilities) for any unit may not exceed the Fair Market Rent or Payment Standard applicable for a family's bedroom size when the family submits a unit for approval.

CMHA has elected to use its discretionary authority to establish a Payment Standard at 110% of the Fair Market Rent. This election is reviewed and amended annually at the time HUD publishes new FMR's. In addition to the new HUD FMR's, CMHA will consider the following:

- Assisted Families Rent Burdens
- Availability of vacant units with rents below the Payment Standard
- The size and quality of units being selected by assisted families.
- The time needed by Voucher holders to locate suitable units.
- The number of Vouchers expired without leasing.
- Other program concerns that may arise.

### **C. RENT INCREASE REQUESTS BY OWNER**

An owner may request an increase in rent at any time an increase is allowed under the terms of the lease. Under most circumstances, the first term of the lease is for one year, and the first anniversary date of the lease would be the triggering point for the request. If the lease converts to a month-to-month basis after its first term, a rent increase may be requested only at six month intervals from the conversion date. If a rent request is not approved, owners must wait an additional six months before submitting a new rent increase request. Only one rent increase will be approved in a 12-month period.

Requests for rent increases must be submitted to CMHA 60 days prior to the proposed effective date with a copy to the lessee/family. All rent increases are subject to CMHA approval pursuant to rent reasonableness standards and HUD regulations as described in Section A of this Chapter. Rent increases for mid-month move-ins (e.g. September 15th) will be granted no earlier than a year from the first of the month following move-in (e.g. October 1st.). (Note that a rent increase request may result in a lowered rent if the rent reasonableness test reveals the market no longer supports the current approved rent.)

If an owner desires an additional fee from the lessee for the privilege of converting to a month-to-month lease at the expiration of the first term of the lease, it must be presented to CMHA in the form of a request for a rent increase. This request will be treated in the same manner as any other rent increase request and considered under the rent reasonableness provisions of this Chapter.

If responsibility for payment of utilities changes between the owner and tenant, a new request for tenancy approval and lease must be submitted to CMHA. A new rent determination will be made based upon the updated utility information. This will not increase the rent, but will change the amount of the HAP payment to the owner.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 15. INTERIM REEXAMINATIONS OF INCOME AND RENT**

#### **A. Basic Policy**

At the time of the Initial Examination of income, all subsequent Annual Reexaminations and any optional or mandatory Interim Reexaminations, CMHA will make a new or updated determination of the family portion of rent. The family's portion of rent as determined at the Initial Examination or subsequent Reexamination will usually remain in effect until the time of the next Annual Reexamination unless changes occur. Requirements for reporting changes in income are described below.

CMHA wishes to encourage families to improve their economic circumstances, so most increases in family income will not result in an immediate rent increase. Any increases in rent (except those due to misrepresentation or fraud) will become effective the first day of the month after a 30-day advanced written notice to the family and the landlord.

Families may request an Interim Reexamination to ask for a rent reduction after the occurrence of the decrease in income or other change in circumstances. Income decreases must last for more than 30 days to qualify for a new Rent Determination and a reduction in rent. With the exceptions described below (Section G), increases in income beginning between Annual Reexamination appointments do not need to be reported.

#### **B. Family Responsibility to Request Interim Reexamination**

It is the family's responsibility to report income changes and to request rent reductions in writing. An Interim Reexamination Request Form can be obtained at the CMHA Central Office or at the Management Office of any CMHA public housing community. The Form may also be requested by phone from CMHA or can be downloaded from the CMHA Website ([www.cmhanet.com](http://www.cmhanet.com)). The Form must be completed and submitted to CMHA before the Interim Reexamination can begin. CMHA is not responsible for any delays in mail delivery. If there are questions or assistance is needed in completing the Form, help can be requested from the family's CMHA Housing Advisor.

#### **C. Increases in Income**

Except for limited circumstances (see Mandatory Interim Reexaminations below), families are not required to report increases in income between Annual Reexaminations. This temporary delay in rent increases will serve as an incentive for families to improve and maintain their economic circumstances. Also, adult family members (age 18 and over) may qualify to have all or portions of increases in earned income temporarily disregarded in the calculation of rent if they are handicapped or disabled. Qualifications for this disregard (known as the Earned Income Disregard) will be determined by CMHA at the time of each Annual or Interim Recertification.

Increases in the family portion of rent will be effective the first day of the month after a 30-day advanced written notice to the family and owner unless the family failed to report the income change as required or caused delays in the processing of the rent reexamination.

#### **D. Decreases in Income: Interim Reexaminations and Rent Determinations**

A Request for an Interim Reexamination of Income and a new Rent Determination may be initiated under the following circumstances:

1. The family may report changes in earned or unearned income, family composition, increased child care expenses, increased medical costs or other circumstances that would result in a decrease to the family's portion of the rent. Income decreases must last for more than 30 days to qualify for a new Rent Determination and a reduction in rent.
2. If CMHA has made an error in the Rent Determination, a rent adjustment will be made. If the error correction results in a reduced rent, the family may either receive a refund or be credited with the amount of the error retroactive to the date the action should have been effective. If the error correction results in an increased rent, the adjustment will not be retroactive and apply only to future rent payments after proper notice has been given. The tenant will not be liable for any resulting undercharge for the intervening period.
3. Decreases in income from failure to comply with welfare and public assistance economic self-sufficiency requirements that result in sanctions are not eligible for rent reductions.

#### **E. Effective Date of Rent Reduction**

The date the Interim Reexamination Request Form is received by CMHA will ordinarily become the official date used to establish the Effective Date of any rent reduction. However, reported income decreases must last for more than 30 days to qualify for a new Rent Determination and a reduction in rent. The Effective Date for rent decreases will be the first day of the month following the date the Interim Reexamination Request Form was received. Once approved, rent reductions will be retroactive to this Effective Date unless the family has failed to respond in a timely manner to requests for additional information or to keep appointments. If delays in approval are caused by family actions, the Effective Date of the rent reduction will become the first day of the month following CMHA's approval.

## **F. Annual and Interim Reexaminations Overlaps**

An Interim Reexamination does not affect the date of and is not a substitute for the Annual Reexamination. At an Interim Reexamination, CMHA will ordinarily review and verify only the documentation related to the rent reduction request, but will use the appropriate standards and verification requirements based upon the Annual Reexamination procedures. Evidence of fraud or other program irregularities could result in a complete reexamination.

## **G. Mandatory Interim Reexaminations**

1. If CMHA discovers evidence of fraud, submission of inaccurate information, misrepresentation of facts or other programmatic violations that may be attributable to the family, CMHA will schedule an Interim Reexamination. Rent adjustments made as a result of these Reexaminations will be retroactive to the first day of the month following the month in which the violation occurred.
2. A change in the Head of Household must be reported in writing using the Interim Reexamination Request Form and delivered to CMHA within 10 calendar days of the change. CMHA will schedule an Interim Reexamination to review the circumstances surrounding the change, approve or disapprove the change, make any necessary rent adjustment and modify or require the modification of appropriate program documents, including leases.
3. The addition of an adult with income to a household must be reported within 10 calendar days of the occurrence. An Interim Reexamination will be conducted, an interim rent increase will be calculated and the lease will be modified.

## **H. Changes in Family Composition**

1. All births must be reported at the family's next annual recertification or when the family gives notice to move to a new unit.
2. Marriage, divorce, death, separation, custody, or guardianship changes must be reported within 30 days of their occurrence to CMHA even if there is no increase in the family's household income.
3. Any adult proposed to be added to the family's household must first be approved by the Landlord as specified in the Tenancy Addendum to the Landlord Lease. If approved by the Landlord, CMHA will then determine eligibility for admission (see Chapter 3), conduct a reexamination of family income and make a new rent determination (see Chapters 7 and 8). If all requirements are met, CMHA will then approve the change in family composition.

Failure to report these changes in a timely manner is a violation of family obligations and could result in program and/or lease termination.

If a family does not report changes at their annual recertification or when requested to provide information for an interim recertification, CMHA will determine if there was any amount of

overpaid rental assistance that must be repaid by the family. This will be calculated by taking the lesser of the larger size Payment Standard or gross rent of the unit and subtracting the smaller size Payment Standard.

For example, if a family had a 3BR unit and actually qualified for a 1BR unit at recertification but did not inform CMHA, the calculation would be as follows:

$$\begin{array}{r} \text{3BR Payment Standard or Gross Rent of the Unit (the lower of the two)} \\ \text{minus } \underline{\text{1BR Payment Standard}} \\ \hline = \text{Overpaid Payment} \end{array}$$

CMHA may also assess a retro-charge for any unreported income.

### **I. Penalties for Non-Compliance with Program Requirements**

1. If at any time CMHA determines that a family has failed to comply with program requirements, a written notice will be sent to the family describing the violation and CMHA's proposed action.
2. The CMHA determination and proposed action may be appealed under the procedures described in the Housing Choice Voucher Administrative Plan and the Public Housing Admission and Continued Occupancy Policy. In the event the family prevails on appeal, both parties shall abide by decision reached through the appeals process.
3. If the family's appeal of the CMHA determination is not successful and/or if the family does not bring itself into compliance with the program requirements, the family may be removed from the program by termination of the Housing Choice Voucher.

### **J. Processing Changes for Interim Reexaminations**

1. At any Interim Reexamination CMHA will verify and process only the change reported in income (and deductions, if appropriate) and/or family composition information unless there is evidence of fraud or misrepresentation of facts. The change items specific to the Interim Reexamination request will be subject to the procedures and requirements described in Chapter 7 (Income and Payment Determinations) and Chapter 8 (Verification of Family Information) and any related procedural components of this Administrative Policy.
2. The Interim Examination Request Form will be date stamped upon receipt, logged and routed to appropriate staff. The date stamp on the form will serve as the family's notification date to CMHA and serve as a start date for internal processing. Staff will send written notice of an appointment date to the family within 3 days after the form was received by CMHA. If the family has not received a notice from CMHA within 10 days after the Form was submitted, they should contact the family's CMHA Housing Advisor.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **16. FAMILY MOVES AND LEASE TERMINATIONS**

#### **A. FAMILY MOVES\*\***

A family may move to a new unit with continued assistance if:

- The family does not owe CMHA money or is current on any CMHA repayment agreement.
- The assisted lease for the old unit has terminated because CMHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
- The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgement or other process allowing the owner to evict the family (unless assistance to the family will be terminated for a program violation).
- The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to the owner).

A family will not be permitted to move more than once in a 12-month period or if they are in a violation of a lease provision.

**\*\***(See Chapter 9 for restrictions on family moves for families using portability Vouchers.)

**\*\***(See Chapter 24 for restrictions on family moves for families in the Project-Based Voucher program.)

#### **B. FAMILY NOTICE TO MOVE**

1. During the initial term of the lease, families may not end the lease unless they and the owner mutually agree by signing a Mutual Rescission Form (which may be obtained from CMHA) and submitting it to CMHA. If the family moves from the unit before the initial term of the lease ends without the owner's and CMHA's consent, it will be considered a serious lease violation and a violation of Family Obligations and may subject the family to termination from the Housing Choice Voucher Program.

2. After the initial term of the lease, families may either submit a Mutual Rescission Form to CMHA with the owner's signature or give advanced written notice of the proposed termination date to the owner by certified mail. In accordance with the lease, the notice must be sent not less than 30 days and not more than 60 days prior to the proposed termination date. The family will be required to provide the certified mail receipt and a copy of the letter sent to the landlord/owner to CMHA. If the owner does not accept the certified mail receipt, the family will be required to provide the receipt and envelope showing that the attempt was made. If the family moves from the unit prior to providing a copy of the receipt and letter to the landlord/owner, it shall be considered as a violation of Family Obligations and may cause the family to be terminated from the Housing Choice Voucher Program.

### **C. VOUCHER RETENTION DETERMINATION FOR SPLITHOUSEHOLDS**

If the household breaks up (divorce or legal separation), unless there is mutual consent or a Court stipulated determination, CMHA will determine which party will retain the Voucher.

In making this decision, CMHA will consider the following guidelines:

- The desires of the parties involved;
- Custody of the children;
- The individual to whom the Voucher was originally issued, if not jointly;
- The remaining family composition in the unit; and
- The possibility of domestic violence.

If requested by CMHA, documentation of the above guidelines will be the responsibility of the requesting parties.

### **D. LEASE TERMINATIONS AND EVICTIONS**

1. In the event the owner desires to terminate the lease and end the HAP contract, the owner must comply with the conditions of the lease and HAP contract. The lease may be terminated by:

- Court action pursuant to the Ohio Revised Code using the grounds for eviction cited in the lease; or,
- A mutual lease rescission executed by the owner and family using CMHA's Mutual Rescission Form (see Exhibit xx)

2. Other actions may result in lease termination:

- The owner may terminate a lease at any time after the initial one year period or at the end of any renewal period with a minimum of 30 days advance written notice;
- The unit becomes over-crowded according to Housing Quality Standards: or
- Owner or tenant non-compliance with the contract or family obligations. If the HAP contract is terminated, the lease is also terminated by CMHA

3. In the event of a lease termination or eviction, CMHA may deny or terminate further program assistance to the tenant to the extent authorized by, and consistent with, 24 C.F.R. §982.552. If CMHA determines that a new Voucher should be issued, CMHA will conduct a recertification prior to issuance

### **E. OWNER NOTICE TO VACATE UNIT**

Owners may only give families notice according to their lease and/or the HUD Lease Addendum provisions. Owners are required to follow eviction procedures consistent with their HAP contract

and must comply with federal, State, and local law.

#### **F. FAMILY FRAUD**

If the family has committed fraud (see definition in this Plan) in connection with the Housing Choice Voucher Program, CMHA may terminate assistance and cancel the HAP contract. Notice of Termination will follow the procedure in Chapter 17 E.

If the family has understated income and assets, overstated deductions, or has falsely declared their family composition, CMHA will attempt to recover from the family any HAP contract overpayments made as a result of the family's fraud or program abuse. The fraud may also be referred to local authorities for criminal prosecution.

#### **G. OWNER FRAUD**

If an owner has committed fraud (see definition in this Plan) in connection with the Housing Choice Voucher Program, CMHA may terminate the HAP Contract. If there was no family involvement in the fraud, the family is eligible to relocate to another unit with continuation of assistance.

If the owner has committed fraud, CMHA may suspend further participation, refuse to enter into any new housing contract, and/or terminate current HAP contracts. CMHA will attempt to recover any overpayment made as a result of owner fraud.

CMHA may also refer the fraud to its legal counsel for civil litigation and to local authorities for criminal prosecution.

#### **H. CHANGE IN OWNERSHIP**

CMHA must receive a written request by the owner who executed the HAP contract in order to make changes in ownership. CMHA will then request the owner to execute a HAP Contract Transfer Form.

CMHA will process a change of ownership if accompanied by acceptable documentation showing the transfer of title and the correct Tax Identification Number or Social Security Number of the actual owner of the property. New owners to the Program must properly execute IRS form W-9. CMHA may withhold payment until the correct tax identification number is received.. A new owner may request that a new lease and HAP Contract be executed with the family and CMHA.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **17. DENIAL OR TERMINATION OF HCV PROGRAM ASSISTANCE**

#### **A. GENERAL POLICY**

CMHA may deny or terminate HCV Program assistance to:

- Families who have committed fraud in any federal housing assistance program; or
- Families who have violated any of the following Family Obligations:
  1. The family must supply any information that CMHA or HUD determines necessary for the administration of the program, including any evidence of citizenship or eligible immigration status;
  2. The family must supply any information requested by CMHA or HUD for use in regular or interim reexamination of the family's income and family composition in accordance with HUD requirements;
  3. The family must disclose and verify legal names and social security numbers and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813;
  4. The family must submit true and complete information as requested.
  5. The family is responsible for any HQS breach caused by the family as described in 24 CFR §982.404(b);
  6. The family must allow CMHA to inspect the unit at reasonable times and after reasonable advance notice;
  7. The family must not commit any serious or repeated violation(s) of the lease;
  8. The family must notify CMHA and owner before the family moves out of the unit, or terminates the lease on notice to the owner (see 24 CFR §982.314(d));
  9. The family must promptly give CMHA a copy of any owner eviction notice;
  10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence;
  11. The family must request CMHA approval of any change in the composition of the family including the birth, adoption, or court-awarded custody of a child. The family must also request CMHA's approval to add any other family member as an occupant of the unit;

12. The family must promptly notify CMHA if any family member no longer resides in the unit;
13. The family must request CMHA approval for a foster child or a live-in-aide to reside in the unit;
14. The family must request CMHA approval for members of the household to engage in legal profit-making activities in the unit, but approval will be given only if such activities are incidental to the primary use of the for residence by members of the family;
15. The family must not sublease or let the unit;
16. The family must not assign the lease or transfer the unit;
17. The family must supply any information or certification requested by CMHA to verify that the family is living in the unit, including any CMHA requested information or certification on family absences. The family must notify CMHA of absences from the unit;
18. The family must not own or have any interest in the unit or be related to the owner(s) of the property (home ownership participants are excluded from this rule);
19. The family's members must not commit fraud, bribery, or any corrupt or criminal act in connection with the Housing Choice Voucher Program;
20. The family's members must not engage in drug-related criminal activity, or violent criminal activity (see §982.553); or,
21. An assisted family, or members of the assisted family, must not receive Housing Choice Voucher family-based assistance while receiving other rental assistance, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

In addition to the above requirements, CMHA may terminate assistance to:

1. Any family that refuses to enter into a repayment agreement or is in default of an executed repayment agreement by missing two consecutive payments. CMHA may accept partial payment but CMHA's acceptance does not limit CMHA's right to terminate assistance for default. For any family in default, the outstanding balance must be paid prior to the issuance or re-issuance of a Voucher;
2. Any family with a total family contribution that is sufficient to pay the full gross rent, and six months has elapsed since CMHA's last HAP payment was made to the family's landlord (see Section 17.D below);

3. Any adult family member that has been evicted from public housing;
4. Any family member that has been terminated from the CMHA Housing Choice Voucher Program for family violations;
5. Any family that currently owes rent or other amounts to a housing authority in connection with Housing Choice Voucher or public housing assistance under the 1937 Housing Act;
6. Any family that has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent damages to the unit, or other amounts owed by the family under the lease;
7. Any FSS program participant failing to comply without good cause with the FSS contract of participation;
8. Any family member that has engaged in abusive or violent behavior toward CMHA's personnel;
9. Any family that has failed to correct family caused HQS violations (See also Chapter 11, Section J - HAP Contract Terminations for Family Caused HQS Violations.);
10. If a landlord informs CMHA that a family has moved from a unit without repairing tenant caused damages or compensating the owner for repairs, the family is subject to termination of housing assistance if the total damages exceed \$1000. Owners must support their allegation by initiating court action to obtain a judgment against the family for the unpaid cost of repairs in excess of the security deposit within 6-months of the date the tenant moves from the unit. The court ordered judgment must be awarded no later than 18-months after the family moved from the unit. Cost estimates must be itemized with supporting documentation. Termination of housing assistance may occur after the family has left the damaged unit, is currently under lease in a new unit or is in the process of finding a new unit to submit.
11. Any family that has failed to make utility payments that are or were their responsibility while participating in HCV programs or that have transferred a utility to the owner without the owner's or CMHA's written consent. If the utility assesses the family's unpaid obligation to the owner, the family is still subject to termination from the program. Failure to make utility payments is also a lease violation subject to enforcement by the owner. (Also, see section 17.E below.)

## **B. DRUG-RELATED OR VIOLENT CRIMINAL ACTIVITY**

No member of the family may engage in drug-related criminal activity, violent criminal activity or other criminal activity.

### **1. Drug-related criminal activity means:**

- The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, a controlled substance (as defined in the Controlled Substance Act);
- The illegal use or possession (other than with intent to manufacture, sell or distribute), of a controlled substance, except that such felonious use or possession must have occurred within 18 months of preliminary application date, final eligibility determination date, or re-exam appointment date. Different dates are applicable to the status of a family's housing assistance.
- Drug related criminal activity does not include the use or possession if the family member can demonstrate that s/he:
  - a. Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and,
  - b. Has recovered or is recovering from such addiction and does not currently use or possess controlled substances

2. Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

## **C. EVIDENCE OF CRIMINAL ACTIVITY:**

In determining whether to deny or terminate assistance based on drug-related criminal activity or violent criminal activity, CMHA may terminate assistance when there is information from a public record that a family member has been convicted or has pled guilty to the charge.

As a measure to determine whether the person has violated this family obligation, one of the following situations must be present:

- There has been an arrest for engaging in drug-related criminal activity or violent criminal activity (as defined above), by any family member, which resulted in a conviction or guilty plea within the last 12 months from the initial eligibility determination or last re-examination date; or

- The family has been evicted for engaging in drug-related criminal activity or violent criminal activity (as defined above), including criminal activity by any family member.

#### **D. THE \$0 ASSISTANCE FAMILY**

1. \$0 assistance families are families whose income has increased and the total family contribution is sufficient to pay the full gross rent. These families will be notified of their right to remain on the program for 6 months from the effective date they went to \$0 assistance. The current term of the lease is not affected.
2. If the owner requests and receives a rent increase during this period and the rent increase would cause CMHA to resume HAP payments, or if at reexamination time the family had a loss of income, assistance payments will be resumed. The tenant contribution will be adjusted and the landlord will be sent a HAP contract amendment form
3. If 6 months has elapsed since CMHA's last HAP payment was made, the family's assistance is automatically terminated.
4. In the event that the family wants to move to another unit during this 6-month period, CMHA will not execute a new HAP Contract for the new unit at \$0 assistance. If there would be assistance (because of a higher rent, for example), CMHA will execute a new HAP Contract.

#### **E. NOTICE OF TERMINATION**

When CMHA decides to terminate assistance to the family, CMHA must give notice to the family and the owner. A 30-day written termination notice that includes the following information:

- The reasons for the termination;
- The effective date of the termination;
- The family's right to request an informal hearing; and,
- The family's responsibility to pay the full rent to the owner if they remain in the unit after the termination date.

#### **F. UTILITY PAYMENTS AND REIMBURSEMENTS**

CMHA's policy is to require that families make all utility payments that are their responsibility or to terminate their program assistance after proper notification.

1. The lease between the owner and tenant specifies responsibility for payment of the various utilities; the owner and the family are responsible for notifying CMHA if there is a change in the assignment of responsibility for payment of any utility.. If the tenant is responsible for payment of any utility, the family receives a utility allowance from CMHA and the tenant portion of the rent is reduced accordingly. Payment is then a family obligation, and failure to pay is a basis for termination of HCV program assistance.

2. CMHA's obligation is to take appropriate action when becoming aware of the family's failure to make utility payments. CMHA will notify the family of the program requirement to meet this Family Obligation, request that the family justify the non-payment or take corrective action, and establish a compliance deadline. Absent appropriate action on the part of the family, CMHA may propose termination of program assistance.

3. Landlords are encouraged to notify CMHA if tenants are failing to make utility payments or have moved without making utility payments. Landlords must submit supporting documentation. CMHA will take action as described in Section F.2 above.

The landlord is also entitled to take action under the lease provisions governing utility payments. If the lease is terminated for cause, the tenant moves or the tenant is evicted, the landlord may recover unpaid utility payments from the tenant's security deposit.

4. Other than to request that families resolve outstanding utility payments and meet their Family Obligations (see Section A above) and taking appropriate action as described in this Section, CMHA will not seek reimbursements from families. This is a matter to be settled between the owner, the tenant and the utility company.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 18. RECOVERING OVERPAYMENTS FROM OWNERS**

#### **A. DEFINITION OF OVERPAYMENT OF HOUSING ASSISTANCE**

An overpayment of housing assistance occurs when CMHA issues a housing assistance payment that was:

1. Not in accordance with the terms of the housing assistance payment contract.
2. Beyond the term of the owner's voucher-assisted lease with the tenant.
3. For a period when the tenant did not reside in the unit.
4. For a period when the owner intentionally provided false information to CMHA for the purpose of entering into or continuing a housing assistance payment contract.

While some overpayments are due to CMHA processing errors, the majority of overpayments are caused by an action or inaction by the family and/or owner that subsequently causes the overpayment and has come to CMHA's attention after a payment has been issued.

#### **B. RIGHT OF RECOVERY**

Under the terms of the housing assistance payment (HAP) contract, CMHA has the authority to recover overpayments, suspend housing assistance payments, abate or reduce housing assistance payments, terminate housing assistance payments, and terminate the HAP contract. If CMHA determines that the owner is not entitled to the housing assistance payment or any part of it, CMHA, in addition to other remedies, may deduct the amount of the overpayment from any amounts due the owner (including amounts due under any other Housing Choice Voucher assistance contract).

CMHA has the right to refuse to enter into any additional housing assistance payments contracts with an owner until any outstanding balance is paid in full.

### **C. RECOVERY OF OVERPAYMENTS OF HOUSING ASSISTANCE**

Upon written notification to the owner, overpayments may be recovered as follows:

1. The owner may

- a. Return the HAP payment check to CMHA
- b. Request that CMHA void the check.
- c. Remit payment to CMHA for the balance due.

In the event a payment is made to CMHA, the payment must be made by personal check, money order, or certified check. CMHA will not accept cash payments. If an owner's personal check is returned for insufficient funds, CMHA will assess an additional insufficient fund charge in the amount of \$25 and require the owner to submit future payments by money order or by certified check.

2. If the owner does not take appropriate action, CMHA may:

- a. Void the HAP payment if it has not cleared within 60 days.
- b. Make a deduction from future payments made to the owner for the same client or for other clients that are under a HAP contract with the owner.

3. In the event the owner fails to repay the repayment balance within 60 calendar days of being notified in writing of the initial HAP adjustment, the owner will be sent a second and final notice that payment is due within 30 days. If no payment is received within this 30-day period, the owner's account will be forwarded to a collections agency. CMHA will not enter into any repayment agreement with an owner.

### **D. OWNER APPEAL OF THE RECOVERY OF OVERPAID HOUSING ASSISTANCE**

Chapter 19 (Complaints and Appeals by Participants and Owners) of this Administrative Plan describes the appeal process to be followed. CMHA will send written notice to the owner of any recovery action CMHA proposes to take, including the time frames for an appeal. If the owner's appeal is not received within the timeframes, the owner's appeal rights shall be deemed waived and abandoned, the issue shall be resolved against the owner, and the issue shall not thereafter be subject to further appeal or review.

### **E. DEFINITION OF OWNER**

For purposes of this Chapter, "owner" includes any person or entity that enters into a HAP contract and is assigned a vendor account number by CMHA. If an owner's participation is suspended, that suspension may, at CMHA's discretion, apply to all entities participating in the Voucher program in which that owner holds any direct or indirect interest.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 19. COMPLAINTS AND APPEALS BY PARTICIPANTS AND OWNERS**

#### **A. COMPLAINTS**

CMHA will investigate and respond to complaints by participants or owners. CMHA may require that complaints other than HQS violations be put in writing to CMHA. Complaints regarding physical condition of the units may be reported by phone at **614-421-6286 or by Email at inspections@cmhanet.com.. Anonymous complaints will be checked whenever possible.**

#### **B. APPEALS BY OWNERS**

##### **1. General**

- (a) Owners may appeal the following CMHA decisions:
  - (i) Denial, in whole or in part, of a rent increase request.
  - (ii) Abatement of rent for one or more units based on a finding that one or more housing quality standards violations have not been timely corrected.
  - (iii) Cancellation of a HAP Contract after abatement has occurred.
  - (iv) Retroactive termination of a HAP Contract and recovery of HAP payments paid for prior months during the time an assisted tenant no longer resided in the unit (disputing the time when the family left the unit).
  - (v) Termination of a HAP Contract for owner breach (other than failure to maintain the unit in compliance with housing quality standards).
  - (vi) Other decisions, if the written notice of the decision indicates that it may be appealed through this procedure.

##### **(b) Administrative Appeal Procedures**

This sets forth an administrative process for review of appeals of the above described decisions. This procedure must be followed in all respects and fully exhausted prior to the filing of any judicial action or other request for relief.. Failure to timely follow and fully exhaust this procedure may result in dismissal of any judicial action.

##### **(c) Effect of time limits.**

Notices of appeal must be received by CMHA within the number of calendar days indicated in Section 4 below. The time periods for submitting notices of appeal

begin to run at the date of issuance (not receipt) set forth on the notice of decision being appealed. CMHA must receive notices of appeal by the delivery deadlines provided in this Owner Appeal Procedure. The owner may choose any method of delivery, but the owner is responsible for ensuring that the notice is received by CMHA by the applicable delivery deadline. Failure to act within any of the time limits specified in this Owner Appeal Procedure will result in the loss by the owner of the right to seek further review of a particular decision and will constitute a failure to exhaust administrative remedies. If the respective time limitations set forth in this Owner Appeal Procedure, including those for delivery and receipt of written notices or documents, are not met, the owner's appeal shall be deemed waived and abandoned, the issues shall be resolved against the owner, and shall not thereafter be subject to further appeal or review.

(d) Notice to Owner by CMHA and Notices of Appeal by Owners

- (i) All notices to owners shall be sent by regular U.S. mail to the address to which payments under the HAP Contract are sent;
- (ii) All Notices of Appeal submitted by owners must be in writing, be addressed and directed as set forth in Section 4 below, and contain the following language in a conspicuous place: **NOTICE OF OWNER APPEAL PURSUANT TO ADMINISTRATIVE PLAN**. The appeal must include a copy of the Notice to Owner and must set forth, specifically and in detail, each and every basis upon which the owner believes the decision is incorrect or is in violation of CMHA policies or HUD regulations and include the remedy being sought. Any hearing held pursuant to this Owner Appeal Procedure will be limited to the issues set forth in the Notice of Appeal.

2. **Informal Resolution**

Although not a necessary prerequisite to invocation of this Owner Appeal Procedure, owners are encouraged to immediately bring perceived errors or omissions to the attention of CMHA staff through informal means, such as telephone conversations, voice mail or e-mail. Such informal means may lead to resolution of owner concerns. Attempts to resolve concerns through informal means, however, do not alter or modify the time limits within which the owner must invoke and/or continue the formal appeal process, and the owner is responsible for ensuring that requests for formal review are submitted properly and within the designated time limits.

3. **Levels Of Formal Review**

This Owner Appeal Procedure provides the opportunity for two levels of review:

- A. The first level appeal will be to the appropriate Assistant Vice-President for the Housing Choice Voucher Program or their designee, depending on the nature of the complaint.

- B. The second level appeal will be to the Vice-President of the Housing Choice Voucher Program or a designee

**4. First Level Appeal Procedures**

- A. Written Notices of Appeal of any CMHA decision, in the form described in 1.(d)(ii), above, must be submitted within fifteen (15) calendar days of the issuance of the correspondence notifying the owner of the decision. Appeals must be sent to the following address:

Housing Choice Voucher Program  
Attn: Owner Appeals  
880 East Eleventh Avenue  
Columbus, OH 43211

- B. CMHA will contact the owner to schedule a meeting within five (5) calendar days of receipt of the proper written notice of owner appeal, unless the owner and CMHA mutually agree to an extension of no more than fifteen (15) additional calendar days.
- C. The initial meeting will be held with the appropriate AVP or their designee. Counsel will not be permitted to attend this conference, and it will not be recorded or transcribed.
- D. A written decision will be issued within fifteen (15) calendar days of the conference. The decision will be issued by regular U.S. mail and sent to the address to which payments under the HAP Contract are sent.

**5. Second Level Appeal Procedures**

- A. If the owner is not satisfied with the first level appeal decision, the owner may appeal that decision by delivering a written Notice of Appeal stating the basis for the appeal as described in B1(d)(ii) above, to the following address:

Housing Choice Voucher Program  
Attn: 2<sup>nd</sup> Level Owner Appeals  
880 East Eleventh Avenue  
Columbus, OH 43211

- B. This notice of appeal must be received by CMHA within fifteen (15) calendar days from the date appearing on the first level decision notification.
- C. If no notice of appeal is received by CMHA within the specified time frame, further appeal is waived and the initial first level decision becomes final.
- D. The Vice President of the HCV Program or designee will schedule and conduct a hearing within fifteen (15) calendar days of receipt of the notice of appeal. The owner and CMHA may mutually agree to an extension of no more than fifteen (15) additional calendar days.

E. At the hearing, the following procedures apply:

- a. The owner and CMHA may be represented by counsel. If either CMHA or the owner desires counsel to be present, that party must notify the other of counsel's presence at least seven (7) calendar days before the hearing. If either party gives timely notification of the attendance of counsel, counsel for the other party shall be permitted without additional notice. If there is no timely notification by either party, counsel shall not be permitted.
- b. The hearing may be recorded by CMHA by digital recording, stenographer, videotape, or other means determined by CMHA. The owner may provide a stenographer, at the owner's expense, so long as the transcript of the hearing is provided to CMHA thereafter.
- c. The owner may present evidence, including witness testimony. If the owner wishes to present witness testimony at the hearing, the owner shall notify CMHA at least five (5) calendar days before the hearing of the identity of each witness, provide a summary of expected testimony and provide a copy of any documentary evidence. If there is no timely notification, the owner will not be permitted to present witness testimony. CMHA's representative may, but is not required to, ask questions of the owner and any witnesses. CMHA staff and the owner may present their positions in writing at the time of the hearing.

F. Unless it is impracticable to do so, a written decision will be issued within fifteen (15) calendar days of the hearing. The decision of the Vice President or designee is final.

**6. Designation of Hearing Officers**

The VP and the AVP's of the Housing Choice Voucher may designate another hearing officer, including but not limited to a CMHA Department Head, a CMHA Hearing Officer, or an outside party, to conduct hearings provided for in this Owner Appeal Procedure. No designated hearing officer shall have been involved in the decision being appealed. Housing Choice Voucher staff (other than a CMHA Hearing Officer) shall not be eligible to be the designated hearing officer..

When such a designation is made, the appropriate VP or AVP shall review the hearing officer's decision prior to issuance to ensure that such decision is not contrary to HUD regulations or requirements, or otherwise contrary to federal, state, or local law. If it is determined that the decision is contrary to law, the owner will be notified that the decision is not binding. The VP or AVP shall then issue a decision based upon the record made at the hearing and appropriate HUD, other applicable federal, state and local regulations.

**7. Judicial Review of Final Decisions**

Judicial review of any final decision under this Owner Appeal Procedure may be

obtained only in the Franklin County Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506, if such judicial appeal is otherwise appropriate and permitted.

### **C. APPEALS BY APPLICANTS AND PARTICIPANTS**

**APPLICANTS are families that have been placed on a wait list by having their names drawn from the Lottery Applicant Pool (see Chapter 4) or placed on a wait list by other CMHA procedures described in this Administrative Plan and that have not leased a unit.**

**PARTICIPANTS are families that have been issued a Voucher and leased a unit.**

#### **1. Appeal Rights**

All Housing Choice Voucher applicants and participants have a right to appeal certain CMHA decisions that may affect their status as a participant and the type and scope of benefits that are afforded to them under the Housing Choice Voucher Program. Appeals to CMHA decisions must be made pursuant to HUD regulations and CMHA's policies that govern informal hearings/reviews.

#### **2. Informal Hearing/Review**

The informal hearing/review provides a family the opportunity to describe any individual circumstances or personal hardships that might reverse or modify CMHA's initial decision. The informal hearing/review also affords the hearing officer an opportunity to review CMHA's initial or proposed decision(s) for compliance with HUD regulations and CMHA policies. The hearing/review officer may reverse, modify, or affirm the initial decision with or without conditions as long as the decision is not contrary to HUD regulations or requirements, or otherwise contrary to federal, state, or local law.

#### **3. Opportunities for Review**

If a family has the right to an informal hearing/review based upon HUD regulations or CMHA policies, the appeal process will be described in the letter notifying the family of the CMHA decision. The following determinations require that a family be given an opportunity for an informal hearing/review:

- Determination of the family's annual or adjusted income.
- Calculation of total tenant payment.
- Determination of the appropriate utility allowances.
- Termination of assistance.
- Determination of family's voucher unit size.
- Denial of a hardship exemption to the minimum rent requirement.

However, CMHA is not required to provide an informal hearing/review to an applicant or participant family for any of the following:

- CMHA's unit size standards
- Discretionary administrative determinations, e.g., repayment agreement terms, appointments, etc.
- General policy issues or class grievances
- How utility allowance schedules were established.
- Extending or suspending a term of a Voucher.
- Refusal to approve a unit or an owner's lease provisions.
- HQS determinations on a unit.
- HQS occupancy violations because of family size.
- CMHA's contractual rights and remedies with an owner.

#### **4. Deadline for Requesting Hearings/Reviews**

All requests for Informal Hearings/reviews must be made and received by CMHA within 10 calendar days of the date of the notification letter or within 10 calendar days from CMHA's initial administrative action or decision. The request must identify the basis for the appeal and the remedy being sought. Requests received after the deadline will not be processed. All requests must be made in writing and must be addressed to:

Housing Choice Voucher Program  
Attn: Applicant/Participant Appeals  
880 East Eleventh Avenue  
Columbus, OH 43211

If the request for an Informal Hearing/Review is received by CMHA's deadline, an Informal Hearing/Review will be scheduled and the participant will be sent written confirmation (at the participant's last known address) of the informal hearing's location, time, and date. If the participant's request for an Informal Hearing is received after CMHA's deadline, CMHA will reject the participant's request by sending a rejection letter to the participant. The letter will be sent to the participant's last known address. The participant must bear the burden of proof for any claim of lost or undelivered mail. CMHA will maintain all copies of correspondence in the participant's file.

#### **5. Designation of Hearing Officers**

The Informal Hearing/Review shall be conducted by a Hearing Officer who will be neither the person who made or approved the decision under review or a subordinate of such person. Hearing Officers are CMHA employees appointed by CMHA's President/CEO.

#### **6. Conduct of Hearings**

The Hearing Officer shall regulate the conduct of the hearing/review in accordance with CMHA's hearing procedures. The Hearing Officer shall conduct the hearing informally. Oral or documentary evidence pertinent to the facts and issues raised by the parties may be received without regard to admissibility under the rules of evidence applicable to judicial hearings. The Hearing Officer shall require CMHA, the participant, counsel, and all other participants and

spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer to obtain/maintain order may result in the exclusion from the proceedings or in a decision adverse to the interests of the disorderly party. The informal hearing may be recorded and/or transcribed at the sole expense of the party who has arranged for the service.

CMHA will provide reasonable accommodation for a person with disabilities in order to participate in the hearing. CMHA reserves the right to decide the type and scope of accommodation.

At the hearing, the participant must first make a showing of an entitlement to the relief sought. Thereafter, CMHA must sustain the burden of justifying CMHA's action or failure to act against which the complaint is directed.

The participant shall be afforded a fair "due process" hearing, which shall include:

- The right to be represented by counsel or other representative.
- The opportunity for the participant to examine before the Informal Hearing any CMHA documents which are directly relevant to the hearing at least 72 hours in advance of the scheduled hearing. The participant may be allowed to copy any such document at his or her own expense. If CMHA does not allow access to a particular document, CMHA may not rely on the document at the hearing.
- The right to a private hearing.
- The right to present evidence and arguments in support of the participant's complaint to controvert evidence relied upon by CMHA and to confront and cross-examine all witnesses upon whose testimony or information CMHA relies upon to support its decision.
- A decision based solely and exclusively upon the facts and documentation presented at the hearing.

The participant will also be advised that CMHA must be given the same opportunity to examine at least 72 hours before the informal hearing any participant documents that are relevant to the hearing. The participant must allow CMHA the opportunity to copy any document at CMHA's expense. If the participant fails or refuses to allow CMHA to examine the requested documents, the participant may not rely upon the document(s) at the hearing.

## **7. Failure to Appear**

If the participant or CMHA fails to show at the scheduled hearing, the Hearing Officer may make a decision to postpone the hearing for five business days (excluding holidays and weekends) or make a determination that the party has waived their right to a hearing. The participant and CMHA shall be notified of the Hearing Officer's determination; provided that a

determination shall not constitute a waiver of any right the participant may have to contest CMHA's disposition of the Informal Hearing in a court of law.

#### **8. Issuance of Decision**

The Hearing Officer shall prepare and issue a written decision to all parties on the participant's appeal within 15 calendar days after the hearing. The decision must briefly state the reasons for the decision and must be based upon the preponderance of evidence presented at the hearing.

CMHA is not bound by the Hearing Officer's decision when:

- The decision exceeds the authority of the person conducting the hearing under CMHA's informal hearing procedures; or,
- The decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, state, or local law.

If CMHA determines that it is not bound by an informal hearing decision, CMHA will promptly notify the participant of the determination and of the reasons for the determination.

Nothing in this section shall constitute a waiver of, nor affect in any way, the rights of the participant to a trial or judicial review in any court proceedings that may be brought in the matter at a later time.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 20. MISSED APPOINTMENTS FOR PARTICIPANTS**

#### **A. GENERAL POLICIES**

A family that fails to keep scheduled appointments (a face to face meeting with the appropriate CMHA staff member) at CMHA's offices or at the family's unit without notifying CMHA in advance, may be sent a notice of termination of assistance. Grounds for termination shall be the family's failure to attend meetings and/or failure or inability to provide required certifications, releases, information, or documentation required by HUD regulations and CMHA policies. Meetings may be required for the following actions:

- Deliverance of verification information and documentation;
- Voucher Briefings;
- Lease Signing and Briefing;
- Allowing Housing Quality Inspections;
- Annual Recertification Activities;
- Interim Reporting Requirements;
- Quality-Control Follow-Up; or,
- Fraud or Program Abuse Investigations.

#### **B. APPOINTMENTS AT CMHA OFFICES**

CMHA sends advance written notice to the family to meet with CMHA Housing Choice Voucher staff to initiate annual or interim recertification procedures. If the family fails to show for the first appointment, a second appointment is scheduled with written notice of the second appointment mailed to the family. If the family fails to show for the second appointment, CMHA shall send a proposed notice of termination of housing assistance to the family. The proposed termination shall provide the family an opportunity for an informal hearing before final CMHA action. (See Chapter 19 Section C)

Families must be punctual for their appointments at CMHA offices. Families arriving more than 20 minutes after their scheduled appointment time will be considered to have missed their appointment. Rescheduling appointments will be at the discretion of CMHA.

If a family notifies CMHA that they are unable to keep either the first or the second review appointment, a third appointment may be scheduled at the discretion of CMHA if CMHA determines that the family had a valid excuse for missing the previous appointments.

No more than three appointments may be granted to initiate activities listed in the General Policies of Section A above..

### **C. NEED-MORE APPOINTMENTS AND DOCUMENTATION**

At the family's initial appointment, CMHA may require the family to provide additional information and documentation in order to complete the recertification process. The documentation needed will be described and provided in writing to the family, and a deadline date established for delivery.

If necessary in the judgment of the caseworker, a "need-more" appointment will be scheduled for delivery and review of the documentation.. Alternatively, the caseworker may request that the family simply return or mail the additional documentation to CMHA's offices by the deadline date.

CMHA will give the family no more than two "need-more" notices to provide the additional information. The Family's refusal or inability to provide the requested information within the specified time frames shall be grounds for termination of housing assistance. Prior to any final action by CMHA, the family will be offered an opportunity for an informal hearing. (See Chapter 19 – Section C)

### **D. INSPECTIONS**

**An adult family member or authorized representative must be present for all Annual Inspections, Complaint Inspections and Quality Control Inspections.**

See Chapter 11, Section E.2 of this Administrative Plan for information on the scheduling and conduct of Inspections.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 21. PARTICIPANT REPAYMENT AGREEMENTS**

#### **A. REQUIRED REPAYMENTS**

Participants must either repay CMHA immediately upon notification or enter into a Repayment Agreement for overpaid HAP Payments due to:

1. Unreported income and assets.
2. Late reporting of income changes.
3. Submission of incorrect or incomplete information about family composition.
4. Other violations of family obligations under HVC program that result in HAP overpayments.

#### **B. REPAYMENT AGREEMENTS**

1. No Repayment Agreements will be allowed if there is evidence of deliberate fraud on the part of the family that caused the HAP overpayments and the resulting debt. Fraud is a basis for termination from the HCV program. The tenant is still liable for any overpaid HAP and may be referred for civil or criminal prosecution as CMHA so determines.
2. A family may not have more than one repayment agreement in effect at any time for funds due CMHA, nor may there be any consolidation of debts owed to CMHA. Repetitive abuse of family financial obligations is a basis for termination from the HCV program.
3. Failure to reimburse CMHA or enter into and comply with a Repayment Agreement may result in termination from the HCV program. A family is in default of a Repayment Agreement after missing two consecutive payments or by being behind by two payments. Upon notice by CMHA, the family must pay their outstanding balance to avoid termination of HCV program assistance.,
4. Allowing a family to enter into a Repayment Agreement with CMHA is at the sole discretion of CMHA. If CMHA enters into a Repayment Agreement with the family, the terms will be as follows:

<b>AMOUNT DUE</b>	<b>INITIAL PAYMENT</b>	<b>MAX TERM</b>
\$500 or less	50% due at execution	6 months
\$501 - 1000	40% due at execution	12 months
\$1001 - 2,500	33% due at execution	18 months
\$2,501 – 3,000	20% due at execution	24 months
\$3,001 or more	No repayment agreement.	

(Initial Payments are due at the execution of the Repayment Agreement)

Families who owe more than \$3,000 may pay the amount of funds necessary to lower the balance of funds due CMHA to \$3,000 or less to be eligible to enter into a Repayment Agreement. The initial payment as listed above must also be paid.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 22. HOMEOWNERSHIP ASSISTANCE PROGRAM**

#### **A. ELIGIBILITY**

To be eligible for the Housing Choice Voucher Home Ownership Assistance Program, the family must be currently participating in CMHA's Housing Choice Voucher Program and have a minimum of \$3,500 in their FSS escrow account (see Chapter 26) or in other personal savings, or IDA savings and agency matching funds of \$3500 or more. For disabled families, the minimum amount of FSS escrow or personal savings for home ownership is to \$2,000. Families are also subject to the following requirements:

1. Family must continue to meet the family obligation requirements of the Housing Choice Voucher Program.
2. Family must be in full compliance with their lease.
3. All members of the family must qualify as first-time homebuyers – i.e., not having any ownership interest in a residence of any family member during the three years before commencement of homeownership assistance. First-time homebuyer includes a) a single parent or displaced homemaker who, while married, owned a home with their spouse or resided in a home owned by their spouse, or b) a family that includes a person with disabilities, and use of the homeownership option is needed as a reasonable accommodation.
4. If any member of the family has previously received assistance under the home ownership program and has defaulted on a mortgage securing the debt, the family is not eligible to participate in the Housing Choice Voucher homeownership program.
5. Family must demonstrate that one or more adult members of the family who will own the house at commencement of homeownership assistance is employed on a full-time basis (not less than an average of 30 hours per week) and has been continuously employed for at least one year. School employees must provide a statement from the employer confirming that the family member works at least 39 weeks at 40 hours per week. This employment requirement does not apply to an elderly family or disabled family.
6. Family must demonstrate that the annual income (gross income) of the adult family members who will own the home at the commencement of homeownership assistance is equal to 2,000 hours of annual full-time work at the Federal minimum wage. Income counted in meeting the minimum income requirement must come from sources other than welfare assistance (however, welfare assistance may be used in determining if disabled or elderly families meet the income requirement. Self-employed individuals must provide proof of self-employment net income for the past two years that meets this Federal minimum wage standard by providing IRS 1040 tax reports with appropriate business

schedules attached. Disabled families are exempt from this requirement but must meet affordability standards.

Although these are minimum income requirements, the family must demonstrate that it has been pre-approved or pre-qualified for financing in an amount sufficient to purchase decent, safe and sanitary housing of modest design in CMHA's jurisdiction.

7. Family must attend and satisfactorily complete pre-assistance homeownership and housing counseling provided by a HUD-certified home ownership counseling agency. The home ownership counseling must include finance and budgeting education and credit counseling.

#### **B. HOME OWNERSHIP DOWN PAYMENT**

The Housing Authority has established a minimum home ownership down payment of at least 3.5 percent of the purchase price and requires that one percent of the purchase price come from the family's personal resources.

#### **C. FAMILY OBLIGATIONS**

Before commencement of homeownership assistance, the family must execute the HUD Statement of Family Obligations form and a release of information form. In this Statement, the family agrees to comply with all family obligations under the homeownership assistance program.

#### **D. TIME FRAME OF UTILIZATION**

After executing the Statement of Homeowner Obligations (Form-HUD-52649), the participating family must locate a home for purchase and sign a sales contract within 90 calendar days. CMHA will then inspect the unit for compliance with program requirements (see Unit Eligibility below).

Any request for an extension beyond the initial 90 days will be reviewed on a case-by case basis and extensions will be at the sole discretion of CMHA. If the family is unable to enter into a Contract of Sale after exhausting all extensions, the family will remain in the Housing Choice Voucher Program as a renter. If the family's search time expires, they must wait 120 calendar days before they may reapply for the program.

#### **E. PORTABILITY**

Families that are determined eligible for homeownership assistance may exercise the homeownership option outside of CMHA's jurisdiction if the receiving public housing authority is administering a Housing Choice Voucher Homeownership program and is accepting new families into its program. The family must comply with the HCV policies of the receiving PHA.

## **F. FINANCING**

The participating family is responsible for obtaining financing. CMHA will provide the family with a list of participating lenders. Financing must meet the credit and underwriting requirements of the lender.

Seller financing, balloon payments and the FHA 203(k) loan program are prohibited forms of financing. Lease-purchase agreements are considered to be and treated the same as rental agreements. Voucher funds may not be used to assist with financing costs (down payment, closing cost, fees, etc.). It is recommended that the family use funds in the FSS escrow account or in other personal savings accounts for such costs.

The lender must supply a copy of the appraisal, mortgage application, pre-approval letter, form HUD-1 Settlement Statement, Good Faith Estimates and Truth-in-Lending Statements, MLS listing with photos and application (if any) for down payment grant assistance. CMHA will review the financing package and determine affordability and acceptability on a case-by-case basis. All loan closing documents must be provided to CMHA for review and approval at least 3 business days prior to the loan closing date.

If the purchase is a condominium unit, the Lender or the family must also secure and provide documentation from the condominium association showing the monthly fee assessment for maintenance and repairs (an affordability concern). If the association is responsible for replacements of roofs, painting of units, and other long-term capital expenses related to the association's property, the documentation must include evidence that a capital reserve fund has been created and that it has been adequately funded in order to avoid the need for special assessments on the unit owners.

## **G. UNIT ELIGIBILITY**

The Housing Authority will inspect the selected unit to determine its suitability for the Homeowners program based upon the following:

1. The unit must be new (under construction) or an existing unit at the time the Housing Authority determines that the family is eligible for homeownership assistance.
2. The unit is a one-unit property or single unit in a condominium community.
3. The unit must meet Housing Quality Standard requirements.
4. If the unit has passed the HQS inspection, the unit must be also inspected by an independent and certified professional home inspector chosen by the family.
5. The family must determine and document whether or not the unit is in an airport runaway clear zone or an airfield clear zone.

6. The family must determine and document whether the unit is in a flood hazard area. Units in flood hazard areas must be insured for flood damage.
7. CMHA may not approve a unit if it learns that the seller has been debarred, suspended, or subjected to a limited denial of participation by HUD.

#### **H. PROHIBITED HOUSING TYPES**

- Congregate Housing
- Group home
- Shared housing
- Cooperative housing
- Mobile Homes
- Single room occupancy (SRO)

#### **I. CONTRACT OF SALE AND INSPECTION**

Prior to commencement of home ownership assistance, the family must enter into a “Contract of Sale” with the seller of the unit. The family must provide CMHA with a copy of the “Contract of Sale” and the MLS listing for the property for CMHA review and approval.

The Contract of Sale must include the home’s price and terms of sale, the purchaser’s pre-purchase inspection requirements, addendums (if any), notice that the sale is conditional on the purchaser’s acceptance of the inspection report and an agreement that the purchaser is not obligated to pay for necessary repairs.

The family must obtain a home inspection by an independent professionally qualified inspector of the unit’s major systems at the family’s expense. The independent inspector may not be a Housing Authority employee or contractor or other person under the control of the Housing Authority. The inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems.

The independent inspector must provide a copy of the inspection report to both the family and the Housing Authority. The Housing Authority will not commence home ownership assistance for the family until the Housing Authority has reviewed the inspection report. Even if the unit otherwise complies with the HQS (and may qualify for assistance under the Housing Authority’s tenant base rental voucher program), CMHA shall have discretion to disapprove the unit for assistance under the home ownership option because of information in the inspection report.

CMHA will conduct a Housing Quality Standards (HQS) inspection and review the independent inspection of the unit’s major systems. CMHA retains the right to disqualify the unit for inclusion in the homeownership program based on the HQS inspection or the independent inspection report.

## **J. HOUSING ASSISTANCE PAYMENTS**

The Housing Authority will use the Voucher Program Payment Standards in determining Payment Standards amounts for the homeownership program. Payment Standards are the greater of (1) the Payment Standard at commencement of homeownership assistance or (2) the Payment Standard at the most recent reexamination since commencement of homeownership assistance. The family's Housing Choice Voucher home ownership assistance payment (HAP) will be the lower of (1) the Housing Choice Voucher Payment Standard minus the total tenant payment or (2) the monthly Homeownership expenses minus the total tenant payment. CMHA will annually reexamine the family income and composition and make appropriate adjustments to the amount of the monthly housing assistance payment.

Home ownership assistance payments will be made directly to the family. It will be the family's responsibility to make the entire mortgage payment to the lender in a timely manner.

While the rent burden standard is not applicable for home ownership, it does give an indication of affordability. CMHA will use this 40% affordability standard as a guideline for approving families for home ownership. Home ownership expenses include principal and interest for initial mortgage and refinancing debt, real estate taxes and public assessments, mortgage insurance, home insurance, fee assessments for condominium units, utility allowance from rental voucher program and CMHA's allowance for routine maintenance cost and long-term replacement costs.

If the family's income increases to a point that they do not receive an assistance payment, eligibility for such payments will continue for (180) calendar days. At the end of a continuous period of 180 days without any assistance payments, eligibility for Housing Choice Voucher assistance will automatically terminate. CMHA, at its sole discretion, may waive the termination of the Housing Choice Voucher assistance if the termination of the assistance results in extreme hardship.

## **K. MAXIMUM TERM OF HOME OWNERSHIP ASSISTANCE**

Housing Choice Voucher home ownership assistance will only be provided while the family resides in the home. The maximum length of time a family may receive home ownership assistance is 15 years if the initial mortgage incurred to finance purchase of the home has a term of 20 years or longer. In all other cases the maximum term is 10 years. Elderly and disabled families are exempt from the time limit.

The maximum term of home ownership assistance applies to the total time a family receives home ownership assistance, regardless of whether the family purchases another home.

The maximum term applies to any member of the family who:

1. Has an ownership interest in the unit during the time that home ownership payments are made; or

2. Is the spouse of any member of the household who has an ownership interest in the unit during the time homeownership payments are made.

If during the course of home ownership assistance, a family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date home ownership assistance commenced. However, such a family must be provided at least 6 months of home ownership assistance after the maximum term becomes applicable, provided the family is otherwise eligible to receive home ownership assistance.

#### **L. CONTINUED ASSISTANCE REQUIREMENTS**

Home ownership assistance will only be paid if the family resides in the home. If the family moves out of the home, CMHA will not continue homeownership assistance after the month in which the family moves out. The family or lender is not required to refund to the CMHA the homeownership assistance for the month in which the family moves out.

Upon the death of a family member who holds in whole or in part title to the home, home ownership assistance may continue pending settlement of the decedent's executor or legal representative as long as the home is solely occupied by remaining family members and remaining family members are in compliance with the CMHA's Housing Choice Voucher Program.

To continue to receive home ownership assistance, the family must comply with the following family obligations:

1. The family must comply with the terms of any mortgage securing debt incurred to purchase the home and any refinancing of such debt;
2. The family may not sell, convey or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home;
3. The family must supply required information regarding income and family composition to CMHA to for correct calculation of the total tenant payment;
4. The family must provide information on any mortgage or other debt incurred to purchase the home, any refinancing of such debt and any sale or other transfer of any interest in the home;
5. The family must notify CMHA in writing within thirty days of the event if the family defaults on a mortgage securing any debt incurred to purchase the home;
6. The family must provide CMHA with a thirty day written notice before the family moves out of their home; and,
7. The family must provide documentation to CMHA that they are current on the mortgage,

insurance, and utility payments at their annual re-certification.

**M. MOVE TO A NEW UNIT**

Families are prohibited from moving to a new unit if they continue to own title or interest in the prior home, have not resided in the home for one year, and/or if the family has failed to comply with all ongoing program and family obligation requirements.

A home ownership family may purchase another home with Housing Choice Voucher assistance provided there is no mortgage loan default and the family is in compliance with the homeownership program family obligations.

**N. DEFAULTS**

If a participant in the homeownership program defaults on their home mortgage loan, the participant will be terminated from the HCV program. After termination, the family may not reapply for the Housing Choice Voucher program waiting list for three years.

**O. LOAN REFINANCING**

Refinancing must be approved in advance by CMHA. Unit affordability factors still apply for continued Voucher home ownership assistance.

**P. DENIAL OR TERMINATION OF ASSISTANCE**

CMHA may deny or terminate homeownership assistance for the following reasons:

1. Failure to comply with CMHA or Housing Choice Voucher Program regulations;
2. Failure to comply with the Housing Choice Voucher homeownership family obligations;
3. Mortgage default; or
4. Failure to pay real estate taxes.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 23. FAMILY SELF-SUFFICIENCY PROGRAM**

#### **A. PURPOSE OF THE PLAN**

The Housing Choice Voucher Family Self-Sufficiency Program is designed to achieve the following objectives:

- Reduce the dependency of low-income families on welfare assistance and Housing Choice Voucher housing assistance.
- Provide families with opportunities to enhance their education, job training and employment skills.
- Provide families with opportunities for home ownership if home ownership is part of their goals.

#### **B. OUTREACH AND RECRUITMENT**

CMHA will provide information to Housing Choice Voucher tenants on the availability of the Family Self-Sufficiency Program. The Program is voluntary and families are selected on a first-come, first served basis.

FSS notices will briefly describe the program and basic qualifications for potential FSS participants and instructions on contacting the FSS coordinator. If a tenant is interested in participating in the program, the FSS Coordinator will schedule their attendance at the next orientation meeting.

#### **C. ORIENTATION, INTERVIEW AND ASSESSMENT**

FSS orientation meetings will be scheduled on an as needed basis. Participants will receive specific information on the program, participant contract, service plan, escrow account, program completion and program termination. After attending the program orientation meeting, all interested FSS participants will be scheduled for a personal interview and needs assessment meeting. Attending the interview and needs assessment meeting is mandatory for entry into the FSS Program.

#### **D. FAMILY ACTION PLAN AND CONTRACT OF PARTICIPATION**

After completion of the needs assessment, a family-focused action plan will be developed and a Contract of Participation prepared for the signature of the head-of-household. The Contract of Participation specifies the services to be provided to the family and the obligations that the family agrees to undertake/complete. . The head of the family must agree to seek and retain employment.

The contract is for five (5) years, but may be extended for up to two (2) years for good cause. All extension requests must be submitted to the FSS coordinator in writing. Under no circumstances, will the contract exceed seven (7) years.

The contract may be modified as family circumstances changes, if the changes are mutually agreeable to the family and the Housing Authority. All requests for modifications must be submitted in writing.

#### **E. ESCROW ACCOUNT**

CMHA will establish an escrow account for the participating FSS family. In accordance with HUD requirements a portion of the increase in tenant paid rent that would otherwise result from increases in earned income of family members during the term of this contract will be deposited in this account.

Interim withdrawals may be made from the family's FSS escrow account to assist the family in completing goals of the Participation Contract. Request for interim withdrawals must include a signed written request from the head of the participating family and proper documentation supporting the request. Interim withdrawal requests will be reviewed and approved by the FSS Coordinator on a case-by-case basis.

Although CMHA's interim reexamination policy does not require families to report increases in income between annual reexaminations, FSS families may prefer to report such increases to increase their escrow account balances.

Receipts for items/services purchased must be presented to FSS Coordinator within 10 days of fund disbursement. Failure to present receipts can result in denial of future interim withdrawal requests.

The balance amount in a family's FSS account in excess of any amount owed to CMHA may be paid to the head of the participating family after:

- 1) CMHA determines that the participating family has met its obligations under the Contract of Participation, including the requirements of each individual training and services plan;
- 2) The head of family certifies that, to the best of his/her knowledge and belief, members of the FSS family no longer receive any welfare cash maintenance payments;
- 3) The family's TTP equals or exceeds the Fair Market Rent for their Voucher size and they have met all other conditions of the Program.

Amounts in the FSS escrow account shall be forfeited if CMHA determines that:

- 1) A participating family has failed to meet its obligations under the Contract of Participation;
- 2) The participating family is no longer under a Contract of Participation and is still receiving welfare cash maintenance payments; or,
- 3) The family has been terminated from the Housing Choice Voucher Program for failure to comply with Family Obligations.

#### **K. TERMINATION OF THE CONTRACT OF PARTICIPATION**

FSS families have the right to withdraw from the FSS program. All requests to terminate must be submitted in writing to the FSS coordinator.

CMHA may terminate a FSS contract when the head of family has failed to fulfill the terms of the participation contract and any extension.

In either case, withdrawal or termination from the HCV/FSS program, the escrow is forfeited.

#### **L. HEARING RIGHTS**

Participants have the right to appeal a termination of their contract of participation. Appeals must be filed in writing to the Vice President of Housing Choice Voucher Programs within 10 calendar days of the date of proposed termination. See Chapter 19 – Complaints and Appeals by Owners and Families.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **24. PROJECT BASED VOUCHER PROGRAM**

#### **A. PURPOSE**

CMHA's project based voucher program provides safe and affordable housing opportunities for elderly, disabled, handicapped and/or severely economically disadvantaged families. Projects receiving Project-Based Vouchers must offer supportive services on a continuing basis to these special needs populations in order to receive the Vouchers. Supportive services include but are not necessarily limited to:

- a service coordinator to help residents arrange for services
- access to supportive services 24 hours a day
- case management
- personal care services
- housekeeping and laundry assistance
- grocery shopping assistance
- transportation
- social activities
- medication reminders and assistance
- companions
- help with chores
- personal finance and household budget counseling
- access to education, training, and/or job counseling
- on-site day care to enable parents to work or attend school.

#### **B. APPLYING FOR PROJECT-BASED VOUCHERS**

All Vouchers received by owners for project-based assistance must be awarded through a competitive process as required by HUD regulations. The competition, the proposals received, the sites selected and program elements must all meet the requirements of 24CFR Part 983, Project Based Voucher (PBV) Program. All interested parties are urged to review these regulations.

CMHA currently recognizes two competitive processes:

##### **1. CMHA Requests for Proposals (RFP)**

Based upon the availability of Vouchers and the special needs populations to be served, CMHA from time-to-time publishes a Request for Proposals for a specified number of Vouchers. The RFP will specify the locations, type of construction, unit sizes, supportive services desired and other submission requirements. The RFP and the selection results will be published in a newspaper of general circulation.

## **2. Ohio Housing Finance Agency (OHFA) Competition for 9% Tax-Credits**

Projects that have been competitively awarded 9% Low-Income Housing Tax Credits by OHFA are eligible to receive Project-Based Vouchers from CMHA. However, CMHA's awards of Vouchers based upon this LIHTC competition are completely discretionary. Further, no awards may be made to projects where the competitive process involved any consideration that the project would receive PBV assistance (see 24CFR983.51(b)(2)). In some instances, HUD approval may also be needed for approval of specific regulatory requirements.

Owners must make a written request to CMHA for project-based voucher assistance within 1 year from the date of their award and arrange a meeting or conference call with CMHA staff to discuss their request. CMHA considerations will include, but are not limited to, the availability of Vouchers, the type of project, its location, the population to be served and the supportive services to be provided. If the proposal meets CMHA's current needs and policies, the owner will be invited to submit a full application for further review and consideration.

### **C. AWARD OF PROJECT BASED CONTRACTS**

All project based contracts must be approved by the CMHA Board of Commissioners.

### **D. OWNER AND PARTICIPANT RIGHTS AND RESPONSIBILITIES**

Admission, tenant rent contributions, occupancy, tenancy, annual reexaminations, and housing quality standards and policies for participants will be governed by 24CFR Parts 982, 983, and this Administrative Plan. Voucher issuance and portability are restricted while the family participates in the Project-Based Voucher program. Tenants may convert to the Tenant-Based Voucher program after the initial term of their lease (not less than one year) expires. Tenants must comply with HUD's program definitions, list of family obligations and CMHA Administrative Plan requirements.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 25 – SHELTER PLUS CARE**

The Shelter Plus Care (S+C) Program is a special stand-alone program created by Congress to assist disabled and homeless persons. Funding comes from the Community Development Block Grant Program and is in the form of Vouchers awarded to sponsor agencies that serve the homeless and disabled. Participants are selected by the sponsor agencies, not CMHA.

In most respects, the regulations governing the Housing Choice Voucher also control the administration of the S+C, but there are exceptions. Working in cooperation with the sponsor agencies, CMHA has responsibility for oversight and administration of the S+C Vouchers.

The purpose of this Chapter is to enumerate the S+C exceptions to the policies and procedures in the CMHA Administrative Plan for the Housing Choice Voucher Program. Unless an exception is listed below, the requirements of the Administrative Plan are applicable.

#### **1. Criteria for Admission Eligibility - Chapter 3 Section D**

With the exception of the sexual offender status, no part of this Section applies to the S+C program.

#### **2. Applying for Admission**

CMHA does not maintain a waiting list for the S+C program because it is designed to provide immediate housing for homeless and disabled families or single persons, and CMHA's Admission Preferences do not apply. Applicants must be referred to CMHA by sponsor agencies, and the agencies are responsible for determining suitability of the applicants for participation in the S+C program.

#### **3. Income Targeting**

CMHA's HCV program requirement that 75% of all Vouchers be targeted to families/persons earning less than 30% of the area median income does not apply to the S+C program.

#### **4. Minimum Rent**

CMHA's minimum rent policies do not apply to S+C participants.

#### **5. Proof of Ownership**

Sponsor agencies may request exceptions to CMHA requirements for proof of ownership of S+C units. Effective control of the unit must be demonstrated for the term of the Voucher and the S+C Contract.

## **6. Rent Increases**

S+C Program owners must request rent increases in writing at least 60 days prior to the proposed effective date. Increases will be effective on or after the anniversary date of the S+C Contract.

## **7. Voucher Portability**

The portability rules of the HCV program do not apply to the S+C program. The Vouchers are awarded to and then retained by sponsor agencies when a family/individual ends, leaves or is terminated from the program.

**COLUMBUS METROPOLITAN HOUSING AUTHORITY**

**CHAPTER 26**

**EMERGENCY TRANSFER PLAN FOR VIOLENCE  
AGAINST WOMEN ACT**

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

#### **Emergency Transfers**

**Columbus Metropolitan Housing Authority (CMHA)** is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>1</sup> CMHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The ability of CMHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether CMHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency

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<sup>1</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that **Public Housing and Housing Choice Voucher Program** is in compliance with VAWA.

### **Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer. A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify CMHA's management office and submit a written request for a transfer to **CMHA's VAWA Coordinator**. CMHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under CMHA's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

**Confidentiality**

CMHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives CMHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about CMHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

**Emergency Transfer Timing and Availability**

CMHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. CMHA will, however, act as quickly as possible to move a tenant

who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. CMHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit. If CMHA has no safe and available units for which a tenant who needs an emergency is eligible, CMHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, CMHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY). Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>. Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

# Help for Victims of Family Violence



## Statewide Resources

No one deserves to be abused. If this is happening to you, it is not your fault. Help is available by calling any of the phone numbers listed on this sheet. Remember that you are not alone.

### HERE'S HOW TO PROTECT YOURSELF

- If you are in an emergency situation, call 911.
- Talk to a friend, neighbor, clergy person, family member, or doctor – they can be a good source of support and help.
- Make a plan in case you decide to leave. Set aside some cash, important documents, (birth certificates, social security cards, immigration papers, passports, medical insurance cards, any documentation of abuse, etc.), a spare set of keys, and a change of clothes that you can access easily in a crisis situation.
- Contact community resources to find out how they can help. They can assist you if you need a place to stay or need help taking legal action against the person who is abusing you.
- If you are thinking about leaving, do not inform the abuser/batterer.
- Be aware that the abuser/batterer can use technology to monitor your activities (cell phone, text messages, computer, Internet Web sites, GPS, etc.)  
[www.nnedv.org/resources/safetynetdocs.html](http://www.nnedv.org/resources/safetynetdocs.html)
- Trust your instincts.

### HERE'S HOW TO HELP OTHERS

#### To help someone who is being abused:

- Plan what you want to say, determine a good time and private place to talk alone.
- Ask questions like "How can I help you? What do you want to do about the situation?" Be supportive and listen without judgment. Give the victim plenty of time to answer.
- Don't say "Just get out" – it is not a safe piece of advice.
- Let the victim know that you believe that verbal, emotional or physical abuse in a relationship is never acceptable and not the victim's fault.
- Provide the victim with information about local resources that can help.

#### To help a child who is being abused:

- Report your suspicions of child abuse to a local children services agency.
- Link the child to a safe adult and contact ChildHelp USA.

#### To help someone who is a batterer:

- Contact the Ohio Domestic Violence Network for program referral.

### PHONE NUMBERS

EMERGENCY ..... 911  
Ohio Employee Assistance Program ..... 800-221-6327  
Optum Behavioral Solutions 24hr ..... 800-852-1091

#### Services for Children & Teens:

Child Help USA ..... 800-4-A-CHILD  
National Runaway Hotline ..... 800-621-4000  
National Teen Dating Abuse Helpline .....  
..... 866-331-9474  
Ohio Youth Advocate Program ..... 877-692-7226  
Public Children Services Assoc. of Ohio .....  
..... 614-224-5802  
The Center for Family Safety and Healing .....  
..... 614-722-8200

#### Services for Adult Victims:

Action Ohio Coalition for Battered Women  
..... 888-622-9315  
BRAVO (LGBTQI Services) ..... 866-862-7286  
National Domestic Violence Hotline ... 800-799-7233  
Office of Criminal Justice Services, Family Violence  
Prevention Center ..... 888-448-4842  
Ohio Alliance to End Sexual Violence. 888-886-8388  
Ohio Domestic Violence Network ..... 800-934-9840  
Rape, Abuse & Incest Natl Network (RAINN)  
..... 800-656-HOPE  
Sexual Assault Response Network of Central Ohio  
(SARNCO) ..... 614-267-7020

#### Legal Resources:

Ohio State Legal Services Assoc. .... 866-LAW-OHIO

#### Other Programs & Services:

ASHA Ray of Hope (South Asian Community)  
..... 614-326-2121  
Crisis Line ..... 614-565-2918  
Asian American Community Services .....  
..... 614-220-4023  
Ohio Dept. of Aging ..... 800-266-4346  
Long Term Care Ombudsman Prog ..... 800-282-1206  
Ohio AG Crime Victim Services ..... 800-582-2877  
Ohio Hispanic Coalition ..... 614-840-9934  
Shalom Task Force ..... 888-883-2323  
Somali Community Assoc. of Ohio .... 614-262-4068

#### ONLINE RESOURCES

##### Ohio Organizations and Resources:

ASHA Ray of Hope  
[www.asharayofhope.org](http://www.asharayofhope.org)  
Asian American Community Services  
[www.aacsohio.org](http://www.aacsohio.org)  
Office of Criminal Justice Services,  
Family Violence Prevention Center  
[www.fvpc.ohio.gov](http://www.fvpc.ohio.gov)  
Ohio Alliance to End Sexual Violence  
[www.oaesv.org](http://www.oaesv.org)  
Ohio Department of Aging  
[www.aging.ohio.gov](http://www.aging.ohio.gov)  
Ohio Domestic Violence Network  
[www.ODVN.org](http://www.ODVN.org)  
Ohio Legal Services  
[www.ohiolegalservices.org](http://www.ohiolegalservices.org)

Public Children Services Association of Ohio  
[www.pcsao.org](http://www.pcsao.org)

The Center for Family Safety and Healing  
[www.familyandsafetyandhealing.org](http://www.familyandsafetyandhealing.org)

#### National Resources:

ChildHelp USA  
[www.childhelp.org](http://www.childhelp.org)  
Futures Without Violence  
[www.futureswithoutviolence.org](http://www.futureswithoutviolence.org)  
National Coalition Against Domestic Violence  
[www.ncadv.org](http://www.ncadv.org)  
National Domestic Violence Hotline  
[www.thehotline.org](http://www.thehotline.org)  
Rape, Abuse & Incest National Network  
[www.rainn.org](http://www.rainn.org)



614-722-8200  
[www.FamilySafetyandHealing.org](http://www.FamilySafetyandHealing.org)

## **GLOSSARY OF TERMS IN SUBSIDIZED HOUSING**

**ADJUSTED INCOME.** Estimated annual income, less allowable HUD deductions.

**ANNUAL CONTRIBUTIONS CONTRACT (ACC).** A written agreement between HUD and CMHA to provide annual contributions to cover housing assistance payments and other expenses pursuant to the Act.

**ANNUAL INCOME.** The estimated total annual income of an eligible family from all sources for the 12-month period following the date of determination of income.

**ANNUAL INCOME AFTER ALLOWANCES.** The Annual Income (described above) less the HUD-approved allowances (See Chapter 7 Part 2).

**ASSETS.** (See Section 7, Part 1)

**ASSISTED FAMILY.** A family that receives a rental subsidy.

**CHILD CARE EXPENSES.** Amounts paid by the family for the care of minors under 13 years of age.

**CONTRACT RENT.** The total rent paid to the owner, including the family payment and the HAP payment from CMHA.

**CMHA.** The Columbus Metropolitan Housing Authority.

**DEPENDENT.** A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

**DISABLED PERSON.** "Disabled person" means a person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or in Section 42 U.S.C. 6001(7).

**DISPLACED PERSON.** "Displaced person" means a person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief laws.

**ELDERLY HOUSEHOLD.** A family whose head or spouse or whose sole member is at least 62 years of age or a disabled person or a handicapped person. (See Chapter 3).

**ELDERLY PERSON.** A person who is at least 62 years old.

**ELIGIBLE FAMILY.** (See Chapter 3.A.)

**EXCESS MEDICAL EXPENSES.** Any medical expenses incurred by elderly families in excess of 3% of Annual Income which are not reimbursable from any other source.

**FAIR MARKET RENT.** The rent limit published in the Federal Register for Housing Choice Voucher Program, which includes utilities (except telephone) and ranges and refrigerators. (See Chapter 14).

**FAMILY.** (See Chapter 3.A)

**FAMILY RENT.** The amount payable monthly by the family as rent to the owner. (See Chapter 7 Part 3)

**FAMILY OF VETERAN OR SERVICEPERSON.** A family is a "family of a veteran or serviceperson" when:

- The veteran or serviceperson (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
- The veteran or serviceperson, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that he was a family member at the time of hospitalization and there remain in the family at least two related persons.

**FOSTER CHILD CARE PAYMENT.** Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

**FULL-TIME STUDENT.** A person who is carrying a credit hour load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as a higher educational institution offering an undergraduate, graduate, or professional degree.

**GROSS RENT.** The sum of the contract rent and the utility allowance. If there is no utility allowance, the contract rent equals gross rent.

**HANDICAP ASSISTANCE.** Anticipated costs for care attendants and auxiliary apparatus for handicapped or disabled family members, which enable a family member (including the handicapped family member) to work.

**HANDICAPPED PERSON.** A person having a physical or mental impairment which:

- Is expected to be of long-continued and indefinite duration;
- Substantially impedes his or her ability to live independently; and
- Is of such a nature that such ability could be improved by more suitable housing conditions.

**HEAD OF HOUSEHOLD.** The head of household is the person who assumes legal responsibility for the household.

**HOUSING ASSISTANCE PAYMENT.** The payment made by CMHA to the owner of a unit under lease by an eligible family, as provided in the HAP Contract. The payment is the difference between the Contract Rent and Family Rent.

**HUD.** The Department of Housing and Urban Development

**HQS.** Housing Quality Standards

**IMPUTED ASSET.** Asset disposed of for less than fair market value during two years preceding examination or reexamination.

**IMPUTED INCOME.** The CMHA determined passbook rate times the total cash value of assets (see Chapter 7 Part 1).

**INCOME.** Income from all sources of each member of the household (See Chapter 7 Part 1).

**LANDLORD.** This term means either the owner of the property or the managing agent.

**LEASE.** A written agreement between an owner and an eligible family for the leasing of a housing unit.

**LOWER INCOME FAMILY.** A family whose income does not exceed 80% of the median income for the area as determined by HUD.

**MARKET RENT.** The rent HUD authorizes the owner in multi-family housing to collect from families ineligible for assistance.

**MEDICAL EXPENSES.** The total medical expenses, including medical insurance premiums, that are anticipated to be paid during the period for which Annual Income is computed, and that are not covered by insurance.

**MINOR.** A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

**MONTHLY-ADJUSTED INCOME.** 1/12 of the Annual Income after Allowances or Adjusted Income.

**MONTHLY INCOME.** 1/12 of the Annual Income.

**PARTICIPANT.** A family becomes a HCV Program participant when there is an effective HAP Contract between CMHA and the owner on behalf of the family.

**REEXAMINATIONS OF INCOME.** The process of securing documentation to determine the rent the family will pay for the next 12 months.

**REMAINING MEMBER OF FAMILY.** A person left in assisted housing who may or may not normally qualify for assistance on own circumstances (e.g., widow age 47, not disabled or handicapped).

**RENT TO OWNER.** This is called Contract Rent in the HCV Program. It is the total amount of rent payable to the owner by the family and CMHA per month for an assisted unit.

**SECURITY DEPOSIT.** A dollar amount (maximum set according to the regulations), which can be used for unpaid rent or damages to the owner upon termination of the lease.

**SERVICE PERSON.** A person in the active military or naval service (including the active reserve) of the United States.

**SINGLE PERSON.** A person living alone or intending to live alone upon admission to the HCV Program.

**PAYMENT STANDARD.** The maximum Gross Rent amount used to calculate the housing assistance a family will receive.

**TOTAL TENANT PAYMENT (TTP).** The total amount the HUD rent formula requires the family to pay toward rent and utilities.

**UNIT.** Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit.

**UTILITIES.** Utilities mean water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone and television cable services are not included as a utility.

**UTILITY ALLOWANCE.** CMHA's estimate of the average monthly utility bills (except telephone and television cable) for an energy-conscious household. This estimate considers only utilities paid directly by the family. If all utilities are included in the rent, there is no utility allowance. Utility allowances vary by unit type and are listed on CMHA's Utility Allowance Schedule.

**UTILITY REIMBURSEMENT PAYMENT.** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Family Payment for the family occupying the unit.

**VERY LOW INCOME FAMILY.** A Lower Income Family who's Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

**VETERAN.** A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released from service under conditions other than a dishonorable discharge.

**ZERO INCOME FAMILY.** A family with any adult non-disabled members who report zero income and who are not full time students.